

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1021
FINAL READING

Introduced by Health and Human Services Committee:
Jensen, 20, Chairperson; Byars, 30; Cunningham, 18;
Erdman, 47; Price, 26; Suttle, 10

Read first time January 11, 2002

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health and welfare; to amend sections
2 46-1222, 46-1225, 46-1235.02, 71-149, 71-161.05,
3 71-1,155, 71-1,162, 71-1,193, 71-1,195.01, 71-1,206.31,
4 71-1,228, 71-1,280, 71-1,292, 71-1,294, 71-1,315,
5 71-1,321, 71-1,326, 71-1,330, 71-397, 71-3,107, 71-3,108,
6 71-3,112, 71-3,115, 71-3,117, 71-1326, 71-1354, 71-1757,
7 71-1779, 71-1782, 71-1788, 71-3503, 71-3508.03, 71-3517,
8 71-3709, 71-4301, 71-4302, 71-4305, 71-4702.01, 71-4711,
9 71-4716, 71-6302, 71-6303, 71-6310.02, 81-649, 81-666,
10 and 81-673, Reissue Revised Statutes of Nebraska,
11 sections 71-131, 71-139, 71-161.09, 71-174.01, 71-175.01,
12 71-179.01, 71-185, 71-1,107.25, 71-1,132.11, 71-1,132.20,
13 71-1,144.01, 71-1,165, 71-1,234, 71-341, 71-377, 71-382,
14 71-3,179, 71-3,196, 71-3,197, 71-3,198, 71-3,202,
15 71-3,205, 71-3,206, 71-1718.02, 71-1722, 71-1724 to

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1 71-1724.02, 71-1730, 71-1735, 71-1755, 71-3507,
2 71-3515.01, 71-3515.02, 71-3710, 71-5179, 71-5206.01,
3 71-6053, 71-6054, 71-6060, 71-6067, 71-6327, 71-6725, and
4 71-6734, Revised Statutes Supplement, 2000, and sections
5 71-101, 71-110 to 71-112, 71-161.10, 71-1,136.01,
6 71-2802, 71-2815, 71-2823, 71-3519, 71-5178, 71-5308,
7 71-6103, 71-6113, 71-6115, 71-6321, and 81-6,105, Revised
8 Statutes Supplement, 2001; to provide and change
9 continuing education provisions for certain professions
10 and occupations; to change provisions relating to
11 licensure, registration, enforcement, fees, and
12 administrative costs under the Radiation Control Act; to
13 provide and change penalties; to change provisions
14 relating to regulation of swimming pools, medication
15 aides, and medical registries; to harmonize provisions;
16 to provide an operative date; to repeal the original
17 sections; and to outright repeal sections 71-1,144.03,
18 71-3,109 to 71-3,111, 71-3,113, 71-3,114, 71-3,116,
19 71-3,118, 71-1347, and 71-1349 to 71-1353, Reissue
20 Revised Statutes of Nebraska, sections 71-1,144.04,
21 71-3,199 to 71-3,201, 71-3,203, 71-3,204, and 71-3,207,
22 Revised Statutes Supplement, 2000, and section
23 71-1,144.05, Revised Statutes Supplement, 2001.

24 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 46-1222, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 46-1222. The board shall adopt and promulgate rules and
4 regulations for the administration of its duties under the Water
5 Well Standards and Contractors' Licensing Act, including
6 examinations, fees, and continuing ~~education~~ competency
7 requirements.

8 Sec. 2. Section 46-1225, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 46-1225. (1) The board shall ~~require that each~~
11 ~~individual~~ adopt and promulgate rules and regulations to establish
12 continuing competency requirements for persons licensed or
13 certified pursuant to under the Water Well Standards and
14 Contractors' Licensing Act. Continuing education is sufficient to
15 meet continuing competency requirements. Such requirements may
16 also include, but not be limited to, one or more of the continuing
17 competency activities listed in section 71-161.09 which a licensed
18 or certified person may select as an alternative to continuing
19 education. shall attend at least eighteen hours of continuing
20 education in any three-year period in approved schools, clinics,
21 forums, lectures, courses of study, or educational seminars
22 relating to the practice of such profession or occupation as a
23 prerequisite for the renewal of a license or certificate. The
24 board shall consult with the appropriate professional academies,
25 professional societies, and professional associations in the
26 development of educational programs designed to promote the
27 utilization and application of new techniques, advances, and the
28 achievements of research assuring expansive and comprehensive

1 service to the public. Such continuing education shall be obtained
2 at a school, clinic, forum, lecture, course of study, or
3 educational seminar approved by the board which may be held either
4 within or outside the state. At least eighteen hours of approved
5 schools, clinics, forums, lectures, courses of study, or
6 educational seminars shall be available at approved schools,
7 clinics, forums, lectures, courses of study, or educational
8 seminars held within the State of Nebraska in any three-year
9 period. The department may contract with institutions of higher
10 learning, professional organizations, or qualified individuals to
11 provide continuing education programs if the continuing education
12 required pursuant to this section is not otherwise available.

13 (2) Each renewal applicant shall, on or before the date
14 of expiration of his or her license or certificate, complete
15 documentation as required in the year the requirement applies,
16 certify on an affidavit form provided by the board that he or she
17 has complied with the continuing education requirement competency
18 requirements during the preceding period. The board shall, on or
19 before the date of expiration of the license or certificate in the
20 year the requirement applies, report all licensees and certificate
21 holders who have complied with the educational requirement to the
22 Director of Regulation and Licensure. Any licensee or certificate
23 holder who has not complied with the educational requirement
24 continuing competency requirements shall not be issued a renewal
25 license or certificate, unless he or she is exempted from the
26 requirement continuing competency requirements or he or she is
27 unable to comply with the requirement requirements due to
28 circumstances beyond his or her control as determined by the board.

1 Procedures for refusal of renewal of licenses and certificates or
2 reinstatement of licenses and certificates shall be in accordance
3 with section 46-1237.

4 Sec. 3. Section 46-1235.02, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 46-1235.02. (1) A person who has been disciplined by
7 means other than suspension or revocation of his or her license or
8 certificate may apply for reinstatement of the license or
9 certificate at any time.

10 (2) A person whose certificate or license has been
11 revoked may apply for reinstatement of the license or certificate
12 after a period of not less than one year has elapsed from the date
13 of revocation.

14 (3) The application for reinstatement shall state such
15 pertinent facts as may be required by the department and shall be
16 accompanied by at least two verified recommendations of the
17 activities of the applicant since the date of the suspension,
18 revocation, or other discipline. The department shall prescribe
19 forms for application for reinstatement. An applicant for
20 reinstatement shall complete the continuing ~~education~~ competency
21 ~~requirements of section 46-1225 before reinstatement in effect at~~
22 the time of application.

23 (4) In determining whether to approve an application for
24 reinstatement, the department may (a) investigate and consider the
25 activities of the applicant since the disciplinary action was
26 taken, including, but not limited to, activities prohibited by the
27 Water Well Standards and Contractors' Licensing Act, the act or
28 offense for which disciplinary action was taken, the applicant's

1 conduct while the license or certificate was in good standing, and
2 the applicant's general reputation for truth, professional ability,
3 and good character, (b) require the applicant to take additional
4 training, and (c) require the applicant to pass the examination.

5 (5) Denial of an application for reinstatement may be
6 appealed. The appeal shall be in accordance with the
7 Administrative Procedure Act.

8 Sec. 4. Section 71-101, Revised Statutes Supplement,
9 2001, is amended to read:

10 71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to
11 71-1,338, 71-1,343 to 71-1,350, 71-1301 to 71-1354, and 71-2801 to
12 71-2823 shall be known and may be cited as the Uniform Licensing
13 Law.

14 For purposes of the Uniform Licensing Law, unless the
15 context otherwise requires:

16 (1) Board or professional board means one of the boards
17 appointed by the State Board of Health pursuant to sections 71-111
18 and 71-112;

19 (2) Licensed, when applied to any licensee in any of the
20 professions named in section 71-102, means a person licensed under
21 the Uniform Licensing Law;

22 (3) Profession or health profession means any of the
23 several groups named in section 71-102;

24 (4) Department means the Department of Health and Human
25 Services Regulation and Licensure;

26 (5) Whenever a particular gender is used, it is construed
27 to include both the masculine and the feminine, and the singular
28 number includes the plural when consistent with the intent of the

1 Uniform Licensing Law;

2 (6) License, licensing, or licensure means permission to
3 engage in a health profession which would otherwise be unlawful in
4 this state in the absence of such permission and which is granted
5 to individuals who meet prerequisite qualifications and allows them
6 to perform prescribed health professional tasks and use a
7 particular title;

8 (7) Certificate, certify, or certification, with respect
9 to professions, means a voluntary process by which a statutory,
10 regulatory entity grants recognition to an individual who has met
11 certain prerequisite qualifications specified by such regulatory
12 entity and who may assume or use the word certified in the title or
13 designation to perform prescribed health professional tasks. When
14 appropriate, certificate means a document issued by the department
15 which designates particular credentials for an individual;

16 (8) Lapse means the termination of the right or privilege
17 to represent oneself as a licensed, certified, or registered person
18 and to practice the profession when a license, certificate, or
19 registration is required to do so;

20 (9) Credentialing means the totality of the process
21 associated with obtaining state approval to provide health care
22 services or human services or changing aspects of a current
23 approval. Credentialing grants permission to use a protected title
24 that signifies that a person is qualified to provide the services
25 of a certain profession. Credential includes a license,
26 certificate, or registration; and

27 (10) Dependence means a compulsive or chronic need for or
28 an active addiction to alcohol or any controlled substance or

1 narcotic drug.

2 Sec. 5. Section 71-110, Revised Statutes Supplement,
3 2001, is amended to read:

4 71-110. (1) The credential to practice a profession
5 shall be renewed biennially without examination upon request of the
6 credentialed person, ~~without examination~~ and upon documentation of
7 continuing competency pursuant to sections 71-161.09 and 71-161.10.

8 The biennial credential renewals provided for in this section shall
9 be accomplished in such manner as the department, with the approval
10 of the ~~appropriate~~ designated professional board, shall establish
11 by rule and regulation. The biennial expiration date in the
12 different professions shall be as follows:

- 13 (a) January, pharmacy and psychology;
14 (b) February, funeral directing and embalming;
15 (c) March, dentistry and dental hygiene;
16 (d) April, podiatry and veterinary medicine and surgery;
17 (e) May, athletic training and acupuncture;
18 (f) June, respiratory care;
19 (g) August, chiropractic and optometry;
20 (h) September, medical nutrition therapy, mental health
21 practice including any associated certification, and osteopathic
22 medicine;
23 (i) October, medicine and surgery;
24 (j) November, massage therapy and physical therapy; and
25 (k) December, audiology and speech-language pathology.

26 The request for renewal need not be in any particular
27 form and shall be accompanied by the legal fee. Such fee shall be
28 paid not later than the date of the expiration of such credential,

1 except that while actively engaged in the military service of the
2 United States, as defined in the Soldiers' and Sailors' Civil
3 Relief Act of 1940, as the act existed on ~~September 17, 2001~~ January
4 1, 2002, persons credentialed to practice the professions listed in
5 this subsection shall not be required to pay the renewal fee.

6 (2) When a person credentialed pursuant to the Uniform
7 Licensing Law desires to have his or her credential lapse upon
8 expiration, he or she shall notify the department of such desire in
9 writing. The department shall notify the credentialed person in
10 writing of the acceptance or denial of the request to allow the
11 credential to lapse. When the lapsed status becomes effective, the
12 right to represent himself or herself as a credentialed person and
13 to practice the profession in which a license is required shall
14 terminate. To restore the credential, such person shall be
15 required to meet the requirements for credentialing which are in
16 effect at the time that he or she wishes to restore the credential.

17 (3) When a person credentialed pursuant to the Uniform
18 Licensing Law desires to have his or her credential placed on
19 inactive status upon its expiration, he or she shall notify the
20 department of such desire in writing and pay a fee of thirty-five
21 dollars. The department shall notify the credentialed person in
22 writing of the acceptance or denial of the request to allow the
23 credential to be placed on inactive status. When the credential is
24 placed on inactive status, the credentialed person shall not engage
25 in the practice of such profession. A credential may remain on
26 inactive status for an indefinite period of time. In order to move
27 a credential from inactive to active status, a person shall
28 complete the continuing ~~education~~ competency requirements in effect

1 at the time he or she wishes to regain active status and pay the
2 renewal fee then due.

3 (4) At least thirty days before the expiration of a
4 credential, the department shall notify each credentialed person by
5 a letter addressed to him or her at his or her last place of
6 residence as noted upon its records. Any credentialed person who
7 fails to notify the department of his or her desire to let his or
8 her credential lapse or be placed on inactive status upon its
9 expiration or who fails to pay the renewal fee on or before the
10 date of expiration of his or her credential shall be given a second
11 notice in the same manner as the first notice advising him or her
12 (a) of the failure to pay, (b) that the credential has expired, (c)
13 that the department will suspend action for thirty days following
14 the date of expiration, (d) that upon the receipt of the renewal
15 fee, together with an additional fee of twenty-five dollars, within
16 that time, no order of revocation will be entered, and (e) that
17 upon the failure to receive the amount then due and twenty-five
18 dollars in addition to the regular renewal fee, the credential will
19 be revoked in the manner prescribed in section 71-149.

20 (5) Any credentialed person who fails to renew his or her
21 credential may be reinstated upon the recommendation of the board
22 for his or her profession and the payment of the renewal and any
23 additional fees and an additional fee of fifty dollars if an
24 application for reinstatement is made more than thirty days after
25 expiration and not more than one year from the date of revocation.

26 (6) Any credentialed person who applies for reinstatement
27 more than one year after revocation shall pay the renewal fee and
28 an additional fee of seventy-five dollars and petition the board to

1 recommend reinstatement as prescribed in section 71-161.05.

2 Sec. 6. Section 71-111, Revised Statutes Supplement,
3 2001, is amended to read:

4 71-111. For the purpose of giving examinations to
5 ~~applicants for license to practice the professions for which a~~
6 ~~license is required by the Uniform Licensing Law or for the purpose~~
7 ~~of certification or registration, the~~ The State Board of Health
8 shall appoint members to the ~~a professional board~~ boards designated
9 in section 71-112 for each of the professions under the Uniform
10 Licensing Law. ~~except osteopathic medicine and surgery and~~
11 ~~acupuncture.~~

12 Sec. 7. Section 71-112, Revised Statutes Supplement,
13 2001, is amended to read:

14 71-112. The professional boards provided in section
15 71-111 (1) Professional boards under the Uniform Licensing Law
16 shall be designated as follows:

17 ~~(1)~~ (a) For medicine and surgery, acupuncture, and
18 osteopathic medicine and surgery, Board of Medicine and Surgery;

19 ~~(2)~~ (b) For athletic training, Board of Athletic
20 Training;

21 ~~(3)~~ (c) For respiratory care, Board of Respiratory Care
22 Practice;

23 ~~(4)~~ (d) For chiropractic, Board of Chiropractic;

24 ~~(5)~~ (e) For dentistry and dental hygiene, Board of
25 Dentistry;

26 ~~(6)~~ (f) For optometry, Board of Optometry;

27 ~~(7)~~ (g) For massage therapy, Board of Massage Therapy;

28 ~~(8)~~ (h) For physical therapy, Board of Physical Therapy;

- 1 ~~(9)~~ (i) For pharmacy, Board of Pharmacy;
2 ~~(10)~~ (j) For audiology and speech-language pathology,
3 Board of Audiology and Speech-Language Pathology;
4 ~~(11)~~ (k) For medical nutrition therapy, Board of Medical
5 Nutrition Therapy;
6 ~~(12)~~ (l) For funeral directing and embalming, Board of
7 Funeral Directing and Embalming;
8 ~~(13)~~ (m) For podiatry, Board of Podiatry;
9 ~~(14)~~ (n) For psychology, Board of Psychologists;
10 ~~(15)~~ (o) For veterinary medicine and surgery, Board of
11 Veterinary Medicine and Surgery; and
12 ~~(16)~~ (p) For mental health practice, Board of Mental
13 Health Practice.

14 (2) Any change made by the Legislature of the names of
15 boards listed in this section shall not change the membership of
16 such boards or affect the validity of any action taken by or the
17 status of any action pending before any of such boards. Any such
18 board newly named by the Legislature shall be the direct and only
19 successor to the board as previously named.

20 Sec. 8. Section 71-131, Revised Statutes Supplement,
21 2000, is amended to read:

22 71-131. (1) In the absence of any specific requirement
23 or provision relating to any particular profession:

24 (a) The department may, upon the recommendation of the
25 ~~appropriate~~ designated professional board, adopt and promulgate
26 rules and regulations to specify the passing grade on licensure or
27 certification examinations. In the absence of such rules and
28 regulations, an examinee shall be required to obtain an average

1 grade of seventy-five and shall be required to obtain a grade of
2 sixty in each subject examined;

3 (b) A person who desires to take a licensure or
4 certification examination but does not wish to receive a license or
5 certification may take such examination by meeting the examination
6 eligibility requirements and paying the cost of the examination and
7 an administrative fee of twenty-five dollars; and

8 (c) An examinee who fails a licensure or certification
9 examination may retake the entire examination or the part failed
10 upon payment of the licensure or certification fee each time he or
11 she is examined. The department shall withhold from the licensure
12 or certification fee the cost of any national examination used and
13 the administrative fee authorized in section 71-163 when an
14 examinee fails a licensure or certification examination and shall
15 return to the examinee the remainder of the licensure or
16 certification fee collected, except that:

17 (i) If the state-developed jurisprudence portion of the
18 licensure or certification examination was failed, the examinee may
19 retake that portion without charge; and

20 (ii) If any component of a national examination was
21 failed, the examinee shall be charged the cost for purchasing such
22 examination.

23 (2) In pharmacy, all applicants shall be required to
24 attain a grade to be determined by the Board of Pharmacy in an
25 examination in pharmacy and a grade of seventy-five in an
26 examination in jurisprudence of pharmacy.

27 (3) In social work, the passing criterion for such
28 examination shall be established and may be changed by the Board of

1 Mental Health Practice by rule and regulation. The board may
2 exempt an applicant from the written examination if he or she meets
3 all the requirements for certification without examination pursuant
4 to section 71-1,319 or rules and regulations adopted and
5 promulgated by the department pursuant to section 71-139.

6 (4) In professional counseling, the passing criterion for
7 such examination shall be established and may be changed by the
8 Board of Mental Health Practice by rule and regulation. The board
9 may exempt an applicant from the written examination if he or she
10 meets all of the requirements for certification without examination
11 pursuant to rules and regulations adopted and promulgated by the
12 department pursuant to section 71-139.

13 (5) In marriage and family therapy, the passing criterion
14 for such examination shall be established and may be changed by the
15 Board of Mental Health Practice by rule and regulation. The board
16 may exempt an applicant from the written examination if he or she
17 meets all of the requirements for certification without examination
18 pursuant to section 71-1,329 or rules and regulations adopted and
19 promulgated by the department pursuant to section 71-139.

20 (6) Applicants for licensure in medicine and surgery and
21 osteopathic medicine and surgery shall pass the licensing
22 examination. An applicant who fails to pass any part of the
23 licensing examination within four attempts shall complete one
24 additional year of postgraduate medical education at an accredited
25 school or college of medicine or osteopathic medicine. All parts
26 of the licensing examination ~~must~~ shall be successfully completed
27 within seven years, except that if the applicant has been enrolled
28 in a combined doctorate of medicine and doctorate of philosophy

1 degree program in an accredited school or college of medicine, all
2 parts of the licensing examination shall be successfully completed
3 within ten years. An applicant who fails to successfully complete
4 the licensing examination within ~~seven years~~ the time allowed shall
5 retake that part of the examination which ~~is more than seven years~~
6 ~~old~~ was not completed within the time allowed.

7 (7) In medical nutrition therapy, the passing criterion
8 for such examination shall be established and may be changed by the
9 Board of Medical Nutrition Therapy by rule and regulation. Such
10 examination shall test for the essential clinical elements of the
11 field of medical nutrition therapy. The board shall base all of
12 its actions on broad categorical parameters derived from the
13 essential elements of the field of medical nutrition therapy. ~~It~~
14 and shall not endorse nor restrict its assessment to any particular
15 nutritional school of thought. ~~in its selection of examinations,~~
16 ~~passing criterion for such examinations, evaluation of credentials,~~
17 ~~approval of continuing education hours, application of practice~~
18 ~~standards, or in any other actions.~~ The board may exempt an
19 applicant from the written examination if he or she meets all of
20 the requirements for licensure without examination pursuant to
21 section 71-1,291 or rules and regulations adopted and promulgated
22 by the department pursuant to section 71-139.

23 Sec. 9. Section 71-139, Revised Statutes Supplement,
24 2000, is amended to read:

25 71-139. (1) The department may, without examination,
26 except when a practical examination is required, issue a license to
27 practice any profession, except pharmacy, podiatry, dentistry,
28 medicine and surgery, optometry, osteopathic medicine and surgery

1 or as an osteopathic physician, and audiology and speech-language
2 pathology, to a person who has been in the active practice of ~~that~~
3 such profession in ~~some other~~ another state or territory of the
4 United States or the District of Columbia upon ~~the certificate of~~
5 (a) certification by the proper licensing authority of the state,
6 territory, or District of Columbia ~~certifying~~ that (i) the
7 applicant is duly licensed, ~~that~~ (ii) his or her license has never
8 been suspended or revoked, and ~~that,~~ (iii) so far as the records of
9 such authority are concerned, the applicant is entitled to its
10 endorsement.

11 ~~The applicant shall also present and~~ (b) proof of the
12 following: ~~things.~~

13 ~~(1)~~ (i) That the state, territory, or District of
14 Columbia ~~from which the applicant comes shall have and maintain~~ has
15 and maintains standards regulating ~~his or her~~ such profession equal
16 to those maintained in ~~that profession by Nebraska~~ this state;

17 ~~(2)~~ (ii) That his or her license ~~there~~ was based upon a
18 written examination and the grades given at such examination;

19 ~~(3)~~ (iii) The date of his or her license;

20 ~~(4)~~ (iv) That ~~such licensee~~ he or she has been actively
21 engaged in the practice of such profession under such license or in
22 an accepted residency or graduate training program for at least one
23 of the three years immediately preceding the application for
24 license by reciprocity;

25 ~~(5)~~ (v) That the applicant is of good moral character and
26 standing in his or her profession as evidenced by completing under
27 oath an application from the department containing such a
28 statement; and

1 ~~(6)~~ (vi) That the applicant has been in the active and
2 continuous practice of such profession under license by examination
3 in ~~the~~ such state, territory, or District of Columbia ~~from which he~~
4 ~~or she comes~~ for at least one year.

5 (2) An applicant for reciprocal registration coming from
6 any state may be licensed by reciprocity if his or her individual
7 qualifications meet the Nebraska legal requirements.

8 (3) The department may issue certificates or
9 registrations on a reciprocal basis to persons who are required to
10 be certified or registered pursuant to the Uniform Licensing Law.
11 The department may adopt and promulgate rules and regulations for
12 reciprocity pursuant to this section.

13 (4) Persons who graduate from schools or colleges of
14 osteopathic medicine accredited by the department on recommendation
15 of the Board of Examiners in Osteopathy since January 1, 1963, and
16 prior to May 23, 1981, and after May 23, 1981, persons who graduate
17 from schools or colleges of osteopathic medicine accredited by the
18 department on recommendation of the Board of Medicine and Surgery
19 who meet the requirements of this section and who have passed a
20 written examination which is equivalent to that required in section
21 71-1,104 as determined by the Board of Medicine and Surgery and who
22 meet the requirements of section 71-1,137 for the practice of
23 osteopathic medicine and surgery as evidenced by a certificate of
24 the Board of Medicine and Surgery may be granted a license to
25 practice osteopathic medicine and surgery as defined in section
26 71-1,137 if such person has been actively engaged in the practice
27 under such license or in an accepted residency or graduate training
28 program for at least one of the three years immediately preceding

1 the application for license by reciprocity. Graduates of an
2 accredited school or college of osteopathic medicine since January
3 1, 1963, who meet the requirements of this section and who meet the
4 applicable requirements of section 71-1,139.01 as certified by the
5 Board of Medicine and Surgery may be granted a special license as
6 doctor of osteopathic medicine and surgery.

7 (5) The department may approve without examination any
8 person who has been duly licensed to practice optometry in ~~some~~
9 ~~other~~ another state or territory of the United States ~~of America~~ or
10 ~~in~~ the District of Columbia under conditions and circumstances
11 which the Board of Optometry shall find to be comparable to the
12 requirements of the State of Nebraska for obtaining a license to
13 practice optometry if such person has been actively engaged in the
14 practice under such license for at least one of the three years
15 immediately preceding the application for license by reciprocity.
16 The applicant shall produce evidence satisfactory to the board that
17 he or she has had the required secondary and professional education
18 and training. The applicant shall ~~submit a certificate of~~ provide
19 certification from the proper licensing authority of the state,
20 territory, or District of Columbia where he or she is licensed to
21 practice such profession ~~certifying~~ that he or she is duly
22 licensed, that his or her license has not been suspended or
23 revoked, and that so far as the records of such authority are
24 concerned he or she is entitled to its endorsement. If the
25 applicant is found to meet the requirements provided in this
26 section and is qualified to be licensed to practice the profession
27 of optometry in the State of Nebraska, the board shall issue a
28 license to practice optometry in the State of Nebraska to such

1 applicant.

2 (6) The Board of Dentistry may approve any person who has
3 been duly licensed to practice dentistry or dental hygiene in ~~some~~
4 ~~either~~ another state or territory of the United States ~~of America~~ or
5 ~~in~~ the District of Columbia under conditions and circumstances
6 which the board ~~shall find~~ finds to be comparable to the
7 requirements of the State of Nebraska for obtaining a license to
8 practice dentistry or dental hygiene if such person has been
9 actively engaged in the practice under such license or in an
10 accepted residency or graduate training program for at least three
11 years, one of which ~~must~~ shall be within the three years
12 immediately preceding the application for license by reciprocity.
13 The applicant shall produce evidence satisfactory to the board that
14 he or she has had the required secondary and professional education
15 and training and is possessed of good character and morals as
16 required by the laws of the State of Nebraska. The applicant shall
17 ~~submit a certificate of~~ provide certification from the proper
18 licensing authority of the state, territory, or District of
19 Columbia where he or she is licensed to practice such profession
20 ~~certifying~~ that he or she is duly licensed, that his or her license
21 has not been suspended or revoked, and that so far as the records
22 of such authority are concerned he or she is entitled to its
23 endorsement. The applicant shall submit evidence of completion
24 during the twelve-month period preceding the application of
25 continuing ~~education~~ competency requirements comparable to the
26 requirements of this state. The board may administer an oral
27 examination to all applicants for licensure by reciprocity to
28 assess their knowledge of basic clinical aspects of dentistry or

1 dental hygiene. If the applicant is found by the board to meet the
2 requirements provided in this section, the board shall certify such
3 fact to the department, and the department upon receipt of such
4 certification shall issue a license to practice dentistry or dental
5 hygiene in the State of Nebraska to such applicant. If the board
6 finds that the applicant does not satisfy the requirements of this
7 section, the board shall certify its findings to the department.
8 The Director of Regulation and Licensure shall review the findings,
9 and ~~shall~~, if ~~in agreement~~ he or she agrees with the findings, the
10 director shall deny the application.

11 Sec. 10. Section 71-149, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-149. (1) ~~When any licensee, certificate holder, or~~
14 ~~registrant~~ The department shall automatically revoke, without
15 further notice or hearing, the credential of any person who fails,
16 within thirty days of after the expiration of a license,
17 ~~certificate, or registration~~ such credential, to pay the required
18 renewal fee, to submit proof documentation of continuing education
19 competency, or to pay any additional fee as specified in section
20 71-110, the department shall automatically revoke such license,
21 ~~certificate, or registration without further notice or hearing and~~
22 the department shall make proper record of the such revocation.

23 (2) ~~When any licensee, certificate holder, or registrant~~
24 The department shall revoke, after notice and opportunity for
25 hearing, the credential of any person who fails, within thirty days
26 of after expiration of a license, certificate, or registration such
27 credential, to meet the applicable continuing education competency
28 requirement for renewal. ~~7 if such is required, the department~~

1 ~~shall revoke such license, certificate, or registration after~~
2 ~~notice and opportunity for hearing.~~

3 (3) Subsections (1) and (2) of this section shall not
4 apply when the licensee, certificate holder, or registrant
5 credentialed person has given notification to the department that
6 he or she desires to have ~~such license, certificate, or~~
7 ~~registration~~ his or her credential lapse or be placed on inactive
8 status upon expiration.

9 Sec. 11. Section 71-161.05, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-161.05. Any petition for reinstatement of a
12 credential after revocation of such credential due to nonpayment of
13 renewal fees, or noncompliance with continuing education competency
14 requirements, or after the imposition of any disciplinary action
15 against such credential shall state such pertinent facts as may be
16 required by the board ~~by rule and regulation, with the approval of~~
17 in rules and regulations adopted and promulgated by the department.
18 The petition shall be accompanied by ~~at least two~~ verified
19 recommendations from ~~licensed, certified, or registered~~ at least
20 two credentialed practitioners of the same profession as the
21 petitioner and ~~by at least two recommendations from citizens.~~
22 ~~Recommendations shall be from persons having two citizens who have~~
23 personal knowledge of the activities of the petitioner since the
24 ~~license, certificate, or registration~~ credential was revoked or
25 ~~since other~~ disciplinary action was imposed.

26 Sec. 12. Section 71-161.09, Revised Statutes Supplement,
27 2000, is amended to read:

28 71-161.09. (1) Each professional board shall establish

1 continuing competency requirements for persons engaged in the
2 active practice of the health care profession or occupation for
3 which the board was designated.

4 (2) The purposes of continuing competency requirements
5 are to ensure (a) the maintenance by a credentialed person of
6 knowledge and skills necessary to competently practice his or her
7 profession or occupation, (b) the utilization of new techniques
8 based on scientific and clinical advances, and (c) the promotion of
9 research to assure expansive and comprehensive services to the
10 public.

11 (3) The board shall consult with the department and the
12 appropriate professional academies, professional societies, and
13 professional associations in the development of such requirements.
14 The requirements shall be established in rules and regulations
15 approved by the board and adopted and promulgated by the
16 department.

17 (4) (a) For a profession or occupation for which there are
18 no continuing education requirements on December 31, 2002, the
19 requirements may include, but not be limited to, any one or a
20 combination of the continuing competency activities listed in
21 subsection (5) of this section.

22 (b) For a profession or occupation for which there are
23 continuing education requirements on December 31, 2002, continuing
24 education is sufficient to meet continuing competency requirements.
25 The requirements may also include, but not be limited to, any one
26 or a combination of the continuing competency activities listed in
27 subdivisions (5) (b) through (5) (o) of this section which a
28 credentialed person may select as an alternative to continuing

1 education.

2 (5) Continuing competency activities may include, but not
3 be limited to, any one or a combination of the following:

4 (a) Continuing education;

5 (b) Clinical privileging in an ambulatory surgical center
6 or hospital as defined in section 71-405 or 71-419;

7 (c) Board certification in a clinical specialty area;

8 (d) Professional certification;

9 (e) Self-assessment;

10 (f) Peer review or evaluation;

11 (g) Professional portfolio;

12 (h) Practical demonstration;

13 (i) Audit;

14 (j) Exit interviews with consumers;

15 (k) Outcome documentation;

16 (l) Testing;

17 (m) Refresher courses;

18 (n) Inservice training; or

19 (o) Any other similar modalities. Each professional

20 ~~board, with the approval of the department, may adopt and~~
21 ~~promulgate, by rules and regulations, standards of recredentialing~~
22 ~~for each person credentialed by and in active practice within the~~
23 ~~State of Nebraska. Such regulations may include the prescribed~~
24 ~~number of hours which are to be attained biennially for receiving~~
25 ~~information presented by or in the form of board-approved~~
26 ~~scientific schools, clinics, forums, lectures, courses of study,~~
27 ~~home study courses, or educational seminars relating to the~~
28 ~~practice of such profession or occupation and held within or~~

1 outside the state. The board and the department shall consult with
2 the appropriate professional academies, professional societies, and
3 professional associations in the development of such standards.
4 The purpose of any such action by such board shall be to the end
5 that the utilization and application of new techniques, scientific
6 and clinical advances, and the achievements of research will assure
7 expansive and comprehensive service to the public. The number of
8 hours that may be required shall be prescribed by the board in such
9 rules and regulations for any calendar year. In no instance may
10 the board require a greater number of hours of approved scientific
11 schools, clinics, forums, lectures, courses of study, or
12 educational seminars than are available at approved scientific
13 schools, clinics, forums, lectures, courses of study, or
14 educational seminars held within the State of Nebraska.

15 Sec. 13. Section 71-161.10, Revised Statutes Supplement,
16 2001, is amended to read:

17 71-161.10. (1) Upon the establishment of such standards
18 for recredentialing by any professional board, by rule and
19 regulation, and with the approval of the department, each Each
20 credentialed person in active practice within the state shall, on
21 or before the date of expiration of his or her credential, complete
22 the requirements to document compliance with continuing competency
23 requirements for his or her profession or occupation as specified
24 by rules and regulations approved by the designated professional
25 board and adopted and promulgated by the department pursuant to
26 section 71-161.09. Except as otherwise provided in this section,
27 the department shall not renew the credential of any in the year
28 the requirement applies, certify on an affidavit form provided by

1 the appropriate professional board that he or she has complied with
2 section ~~71-161.09~~ during the preceding two-year period. The board
3 shall, on or before the date of expiration of the credential in the
4 year the requirement applies, report each credentialed person who
5 has complied with the educational requirements to the department.
6 A credentialed person who has not complied with such requirements.
7 requirement shall not be issued a renewal credential unless such
8 requirements are waived or unless such credentialed person is
9 unable to comply due to circumstances beyond his or her control.
10 Procedures for nonrenewal of the credential due to failure to
11 submit proof of continuing education document compliance with
12 continuing competency requirements shall be identical to those for
13 nonpayment of renewal fees as provided in sections 71-110 and
14 71-149, as well as procedures for reinstatement of the same. In
15 cases other than nonrenewal, the procedures in sections 71-149 and
16 71-150 for refusal to renew shall apply. The department, on the
17 recommendation of the appropriate designated professional board,
18 may waive continuing education competency requirements, in whole or
19 in part, upon submission by or in total, for any two-year
20 credentialing period when a credentialed person submits of
21 documentation that circumstances beyond his or her control have
22 prevented completion of such requirements. Such circumstances
23 shall include situations in which:

24 (a) The credentialed person holds a Nebraska credential
25 but is not practicing his or her profession or occupation in
26 Nebraska;

27 (b) The credentialed person has served in the regular
28 armed forces of the United States during part of the ~~twenty-four~~

1 ~~months~~ credentialing period immediately preceding the renewal date;

2 (c) The credentialed person has ~~submitted proof that he~~
3 ~~or she was suffering~~ suffered from a serious or disabling illness
4 or physical disability ~~which prevented completion of the required~~
5 ~~number of continuing education hours~~ during the ~~twenty-four months~~
6 credentialing period immediately preceding the renewal date which
7 prevented completion of the continuing competency requirements; and

8 (d) The credentialed person was first credentialed within
9 the ~~twenty-four months~~ credentialing period immediately preceding
10 the renewal date. ~~except as provided in subdivision (2)(d) of~~
11 ~~section 71-1,136.01.~~

12 The department, with the consent of the ~~appropriate~~
13 designated professional board, may adopt and promulgate rules and
14 regulations not inconsistent with this section pertaining to waiver
15 of continuing ~~education~~ competency requirements.

16 (2) ~~Each credentialed person shall provide a sworn~~
17 ~~affidavit listing continuing education activities in which he or~~
18 ~~she participated or attended, the amount of credit received for~~
19 ~~each activity, and the date, location, and name of the approved~~
20 ~~provider which sponsored the activity on a separate form or portion~~
21 ~~of the renewal application as may be designed by the department.~~
22 Each credentialed person shall be responsible for maintaining in
23 his or her personal files such certificates or records of ~~credit~~
24 ~~from~~ continuing competency ~~education~~ activities received from
25 approved providers.

26 The ~~appropriate~~ designated professional board may
27 biennially select, in a random manner, a sample of the renewal
28 applications for audit of continuing ~~education credits~~ competency

1 requirements. Each credentialed person selected for audit shall be
2 required to produce documentation of ~~his or her attendance at the~~
3 ~~continuing education seminars~~ the continuing competency activities
4 listed on his or her renewal application.

5 Sec. 14. Section 71-174.01, Revised Statutes Supplement,
6 2000, is amended to read:

7 71-174.01. Each Nebraska-licensed podiatrist in active
8 practice within the State of Nebraska shall, be required on or
9 before April 1 of each even-numbered year, to attend twenty-four
10 hours biennially of such approved scientific schools, clinics,
11 forums, lectures, or podiatric educational seminars, as may be
12 announced and approved by the Board of Podiatry, complete
13 continuing competency activities as required by the Board of
14 Podiatry pursuant to section 71-161.09 as a prerequisite for the
15 licensee's next subsequent license renewal. if at least
16 twenty-four hours of such educational program are conducted
17 biennially in the State of Nebraska.

18 Each licensed podiatrist in active practice within the
19 State of Nebraska shall, on or before April 1 of each even-numbered
20 year, certify on an affidavit form provided by the board that he or
21 she has complied with this section during the preceding two-year
22 period. Such board shall, on or before April 1 of each
23 even-numbered year, report all licensees who have complied with the
24 educational requirements to the department. Licensees who have not
25 complied with such requirements shall not be issued a renewal
26 license unless exempt or unable to comply due to circumstances
27 beyond their control. Procedures for denial of renewal of the
28 license of such licensees shall be identical to those for

1 nonpayment of renewal fees and as provided in sections 71-110 and
2 71-149. The department, on the recommendation of the board, may
3 waive continuing education requirements, in part or in total, for
4 any two-year licensing period when a licensee submits documentation
5 that circumstances beyond his or her control prevented completion
6 of such requirements. Such circumstances shall include situations
7 in which:

8 (1) The licensee holds a Nebraska license but is not
9 practicing podiatry in Nebraska;

10 (2) The licensee has served in the regular armed forces
11 of the United States during any part of the twenty-four months
12 immediately preceding the license renewal date;

13 (3) The licensee has submitted proof that he or she was
14 suffering from a serious or disabling illness or physical
15 disability which prevented completion of the required number of
16 continuing education hours during the twenty-four months
17 immediately preceding any license renewal date; and

18 (4) The licensee was first licensed within the
19 twenty-four months immediately preceding the renewal date provided
20 in section 71-110.

21 The department, with the consent of the board, may adopt
22 and promulgate rules and regulations not inconsistent with this
23 section pertaining to waiver of continuing education requirements.

24 Each licensee shall provide a sworn affidavit listing
25 continuing education activities in which he or she participated or
26 attended, the amount of credit received for each activity, and the
27 date, location, and name of the approved provider which sponsored
28 the activity on a separate form or portion of the license renewal

1 application as may be designed by the department. Each licensee
2 shall be responsible for maintaining in his or her personal files
3 such certificates or records of credit from continuing education
4 activities received from approved providers.

5 The board may biennially select, in a random manner, a
6 sample of the license renewal applications for audit of continuing
7 education credits. Each licensee selected for audit shall be
8 required to produce documentation of his or her attendance at the
9 continuing education seminars listed on his or her renewal
10 application.

11 Sec. 15. Section 71-175.01, Revised Statutes Supplement,
12 2000, is amended to read:

13 71-175.01. The Board of Podiatry may in its discretion
14 authorize the issuance of a license as podiatrist, without
15 examination, to a person who is duly licensed by examination in
16 another state, a territory, or the District of Columbia, in which,
17 under like conditions, reciprocal licensing as a podiatrist,
18 without examination, is granted to a podiatrist duly licensed by
19 examination in this state. The applicant shall produce evidence
20 satisfactory to the board that he or she meets the requirements of
21 subdivisions (1) through (6) of section 71-139. and that he or she
22 holds a certificate from the proper licensing authority from the
23 state, territory, or District of Columbia from whence he or she
24 comes certifying that the applicant is duly licensed, that his or
25 her license has never been suspended or revoked, and that so far as
26 the records of such authority are concerned, the applicant is
27 entitled to its endorsement. An applicant for reciprocal
28 registration coming from any state, any territory, or the District

1 of Columbia may in the discretion of the Board of Podiatry be
2 licensed by reciprocity if his or her individual qualifications
3 meet the Nebraska legal requirements.

4 Sec. 16. Section 71-179.01, Revised Statutes Supplement,
5 2000, is amended to read:

6 71-179.01. Each Nebraska-licensed chiropractor in active
7 practice within the State of Nebraska shall, be required, on or
8 before August 1 of every even-numbered year, ~~to attend not less~~
9 ~~than four days totaling at least thirty hours biennially of such~~
10 ~~approved scientific schools, clinics, forums, lectures, or~~
11 ~~chiropractic educational seminars, as may be approved by the Board~~
12 ~~of Chiropractic, complete continuing competency activities as~~
13 ~~required by the Board of Chiropractic pursuant to section 71-161.09~~
14 ~~as a prerequisite for his or her~~ the licensee's next subsequent
15 license renewal. ~~if at least thirty hours of class instruction is~~
16 ~~conducted biennially in the State of Nebraska.~~

17 Sec. 17. Section 71-185, Revised Statutes Supplement,
18 2000, is amended to read:

19 71-185. Every applicant for a license to practice
20 dentistry shall (1) present proof of graduation from an accredited
21 school or college of dentistry and (2) pass an examination
22 prescribed by the Board of Dentistry which shall be elementary and
23 practical in character but sufficiently thorough to test the
24 fitness of the candidate to practice dentistry. Such examination
25 shall include questions on anatomy, physiology, chemistry, dental
26 materials, materia medica, therapeutics, histology, pathology, oral
27 surgery, operative and prosthetic dentistry, dental jurisprudence,
28 and such other subjects as are usually found in the curriculum of a

1 dental college. Demonstrations of the applicant's skill in
2 clinical dentistry shall also be required.

3 The department shall accept, upon the recommendation of
4 the board and in lieu of the examination, a certificate of
5 examination issued by the National Board of Dental Examiners of the
6 United States of America. Every applicant for a license upon the
7 basis of such certificate shall be required to pay the fee
8 prescribed in section 71-162 for licenses issued in dentistry
9 without examination based upon a certificate by examination held by
10 the National Board of Dental Examiners of the United States of
11 America.

12 ~~Standards for relicensure for each~~ Each Nebraska-licensed
13 dentist and dental hygienist in active practice within the State of
14 Nebraska shall, on or before ~~require that such dentist or dental~~
15 ~~hygienist biennially complete thirty hours of continuing education~~
16 ~~as prescribed in sections 71-161.09 and 71-161.10 by no later than~~
17 March 1 of each odd-numbered year, complete continuing competency
18 activities as required by the Board of Dentistry pursuant to
19 section 71-161.09 as a prerequisite for the licensee's next
20 subsequent license renewal.

21 Sec. 18. Section 71-1,107.25, Revised Statutes
22 Supplement, 2000, is amended to read:

23 71-1,107.25. There is hereby created the Physician
24 Assistant Committee which shall review and make recommendations to
25 the board regarding all matters relating to physician assistants
26 that come before the board. Such matters shall include, but not be
27 limited to, (1) applications for licensure, (2) physician assistant
28 education, (3) scope of practice, (4) proceedings arising pursuant

1 to section 71-1,107.23, (5) physician assistant licensure and
2 supervising physician requirements, and (6) continuing ~~medical~~
3 ~~education~~ competency. The committee shall be directly responsible
4 to the board. The committee shall be appointed by the State Board
5 of Health and shall be composed of two physician assistants, one
6 supervising physician, one member of the Board of Medicine and
7 Surgery, and one public member. The chairperson of the committee
8 shall be elected by a majority vote of the committee members. All
9 appointments shall be for four-year terms, at staggered intervals.
10 Members shall serve no more than two consecutive terms.
11 Reappointments shall be made by the State Board of Health. The
12 committee shall meet on a regular basis and committee members shall
13 receive reimbursement for time and travel expenditures on the same
14 basis as provided in sections 81-1174 to 81-1177.

15 Sec. 19. Section 71-1,132.11, Revised Statutes
16 Supplement, 2000, is amended to read:

17 71-1,132.11. The board may adopt, promulgate, and
18 revise, with the approval of the department, such rules and
19 regulations consistent with the Nurse Practice Act as may be
20 necessary to carry the act into effect. All such rules and
21 regulations shall be published and distributed. The board shall:

22 (1) Adopt reasonable and uniform standards for nursing
23 practice and nursing education;

24 (2) If requested, issue or decline to issue advisory
25 opinions defining acts which in the opinion of the board are or are
26 not permitted in the practice of nursing as defined in section
27 71-1,132.05. Such opinions shall be considered informational only
28 and are nonbinding. Practice-related information provided by the

1 board to registered or licensed practical nurses licensed under the
2 act shall be made available by the board on request to nurses
3 practicing in this state under a license issued by a state that is
4 a party to the Nurse Licensure Compact;

5 (3) Establish rules and regulations for approving and
6 classifying programs preparing practical and professional nurses,
7 taking into consideration administrative and organizational
8 patterns, the curriculum, students, student services, faculty, and
9 instructional resources and facilities, and provide surveys for
10 each educational program as determined by the board;

11 (4) Approve educational programs which meet the
12 requirements of the act;

13 (5) Examine, license, and renew the licenses of duly
14 qualified applicants;

15 (6) Keep a record of all its proceedings and compile an
16 annual report for distribution;

17 (7) ~~Develop standards for continued competency of~~
18 ~~licensees continuing in or returning to practice~~ Establish
19 continuing competency requirements. Continuing education is
20 sufficient to meet continuing competency requirements. The
21 requirements may also include, but not be limited to, one or more
22 of the continuing competency activities listed in section 71-161.09
23 which a licensee may select as an alternative to continuing
24 education;

25 (8) Adopt rules and regulations establishing standards
26 for delegation of nursing activities, including training or
27 experience requirements, competency determination, and nursing
28 supervision;

1 (9) Make recommendations in accordance with section
2 71-168.01 regarding licensure and disciplinary dispositions for
3 individuals who have violated the act and upon the grounds provided
4 in the Uniform Licensing Law;

5 (10) Collect data regarding nursing;

6 (11) Provide consultation and conduct conferences,
7 forums, studies, and research on nursing practice and education;

8 (12) Join organizations that develop and regulate the
9 national nursing licensure examinations and exclusively promote the
10 improvement of the legal standards of the practice of nursing for
11 the protection of the public health, safety, and welfare;

12 (13) Appoint special purpose groups or ad hoc groups to
13 advise the board; and

14 (14) Administer the provisions of the Advanced Practice
15 Registered Nurse Act as it applies to certified registered nurse
16 anesthetists, the Nebraska Certified Nurse Midwifery Practice Act,
17 and the Nurse Licensure Compact. In reporting information to the
18 coordinated licensure information system under Article VII of the
19 compact, the department may disclose personal identifying
20 information about a nurse, including his or her social security
21 number.

22 Sec. 20. Section 71-1,132.20, Revised Statutes
23 Supplement, 2000, is amended to read:

24 71-1,132.20. (1) The license of every registered nurse
25 or licensed practical nurse shall be renewed biennially. The
26 biennial expiration date is October 31 of every odd-numbered year
27 for licensed practical nurses and October 31 of every even-numbered
28 year for registered nurses. The biennial license renewals provided

1 for in this section shall be accomplished in such manner as the
2 department, with the approval of the board, shall establish by rule
3 and regulation.

4 (2) On or before August 1 of each renewal year, the
5 department shall mail an application for renewal of license to
6 every person to whom such license was issued or renewed during the
7 current renewal period. The applicant shall complete and return
8 the application to the department with a renewal fee established by
9 the department pursuant to section 71-1,132.49 on or before October
10 31 following the mailing of such notice. Upon receipt of the
11 application and fee, the department shall verify the accuracy of
12 the application and issue to the applicant a certificate of renewal
13 for the renewal period beginning November 1 following the mailing
14 of such notice. The certificate of renewal shall render the holder
15 thereof a legal practitioner of nursing for the period stated on
16 the certificate of renewal.

17 (3) A licensed practical nurse or registered nurse who
18 wishes to have his or her license lapse upon expiration shall give
19 the department written notice to that effect. The department shall
20 notify the licensee in writing of the acceptance or denial of the
21 request to allow the license to lapse. When the lapsed status
22 becomes effective, the right to practice nursing and to represent
23 himself or herself as a licensed practical nurse or registered
24 nurse shall terminate. To restore the license, the individual
25 shall be required to meet the renewal requirements in effect at the
26 time he or she wishes to restore the license and pay the renewal
27 fee and an additional fee of fifty dollars.

28 (4) A licensed practical nurse or registered nurse who

1 wishes to have his or her license placed on inactive status upon
2 expiration shall give the department written notice to that effect
3 and pay the fee provided in section 71-1,132.49. The department
4 shall notify the licensee in writing of the acceptance or denial of
5 the request to allow the license to be placed on inactive status.
6 When the license is placed on inactive status, the licensee shall
7 not engage in the practice of nursing. A license may remain on
8 inactive status for an indefinite period of time. In order to move
9 a license from inactive to active status, an individual shall meet
10 the renewal requirements in effect at the time he or she wishes to
11 regain active status and pay the renewal fee and reinstatement fee
12 due at such time as specified in section 71-1,132.49.

13 (5) Any licensed practical nurse or registered nurse who
14 fails to (a) notify the department that he or she wishes his or her
15 license to lapse or to be placed on inactive status or (b) meet the
16 renewal requirements, on or before the date of expiration of his or
17 her license, shall be given a second notice in the same manner as
18 the first notice advising him or her (i) of the failure to pay,
19 (ii) that the license has expired, (iii) that the department will
20 suspend action for thirty days following the date of expiration,
21 (iv) that upon the receipt of the renewal fee, together with an
22 additional fee of fifty dollars, within that time, the license will
23 be renewed, and (v) that upon the failure to receive the amount
24 then due and fifty dollars in addition to the regular renewal fee,
25 the license will be placed on lapsed status.

26 (6) A fee to be determined by rules and regulations
27 pursuant to section 71-1,132.49 shall be charged to any registered
28 nurse or licensed practical nurse for the issuance of a

1 certification of credentials to another state and to any
2 educational institution or agency.

3 (7) (a) In order to insure that all nurses have sufficient
4 scientific and practical knowledge to continue to practice nursing,
5 a license to practice nursing shall not be renewed ~~after January 1,~~
6 ~~1997,~~ unless the nurse has ~~within the preceding five years engaged~~
7 ~~in the practice of nursing for a minimum of five hundred hours and~~
8 ~~completed twenty contact hours within the previous two years of~~
9 ~~either:~~

10 ~~(a) Inservice education provided by the employer, or~~

11 ~~(b) Continuing education courses which meet requirements~~
12 ~~as specified~~ completed continuing competency activities as required
13 by the board in rules and regulations adopted and promulgated by
14 the department.

15 (b) The department, with the concurrence of the board,
16 may waive continuing ~~education or inservice competency~~ requirements
17 for any two-year licensing period when a licensee submits
18 documentation that circumstances justify such waiver. Such
19 circumstances shall be defined in rules and regulations.

20 ~~If more than five years have elapsed since the individual~~
21 ~~has practiced nursing as defined in section 71-1,132.05, the~~
22 ~~individual must complete a seventy-five-hour approved review course~~
23 ~~of study before his or her license can be renewed. Such course may~~
24 ~~be individually designed and must include a practice or clinical~~
25 ~~component.~~

26 Sec. 21. Section 71-1,136.01, Revised Statutes
27 Supplement, 2001, is amended to read:

28 71-1,136.01. ~~(1)~~ Each Nebraska-licensed optometrist in

1 active practice within the State of Nebraska shall, be required on
2 or before August 1 of each even-numbered year, complete continuing
3 competency activities as required by the Board of Optometry
4 pursuant to section 71-161.09 to attend thirty-two hours
5 biennially, of which sixteen hours shall be earned annually, of
6 such approved scientific schools, clinics, forums, lectures, or
7 optometric educational seminars, as may be announced and approved
8 by the Board of Optometry, as a prerequisite for the licensee's
9 next subsequent license renewal. if at least sixteen hours of such
10 educational program are conducted annually in the State of Nebraska
11 and at least thirty-two hours of such educational program are
12 conducted biennially in the State of Nebraska.

13 ~~(2)~~ Each licensed optometrist in active practice within
14 the State of Nebraska shall, on or before August 1 of each
15 even-numbered year, certify on forms provided by the board that he
16 or she has complied with sections ~~71-1,133~~ to ~~71-1,136~~ and this
17 section during the preceding two-year period. Such board shall, on
18 or before August 1 of each even-numbered year, report all licensees
19 who have complied with the educational requirements to the
20 department. Licensees who have not complied with such requirements
21 shall not be issued a renewal license unless exempt or excused for
22 good cause shown. The department, on the recommendation of the
23 board, may waive continuing education requirements, in part or in
24 total, for any two-year licensing period when a licensee submits
25 documentation that circumstances beyond his or her control
26 prevented completion of such requirements. Such circumstances
27 shall include situations in which:

28 ~~(a)~~ The licensee holds a Nebraska license but is not

1 practicing optometry in Nebraska,

2 (b) The licensee has served in the regular armed forces
3 of the United States during part of the twenty-four months
4 immediately preceding the license renewal date,

5 (c) The licensee has submitted proof that he or she was
6 suffering from a serious or disabling illness or physical
7 disability which prevented completion of the required number of
8 continuing education hours during the twenty-four months
9 immediately preceding any license renewal date, and

10 (d) The licensee was first licensed within the twenty-six
11 months immediately preceding the renewal date provided in section
12 71-110.

13 (3) The department, with the consent of the board, may
14 adopt and promulgate rules and regulations not inconsistent with
15 this section pertaining to waiver of continuing education
16 requirements.

17 (4) Each licensee shall provide a sworn affidavit listing
18 continuing education activities in which he or she participated or
19 attended, the amount of credit received for each activity, and the
20 date, location, and name of the approved provider which sponsored
21 the activity on a separate form or portion of the license renewal
22 application as may be designed by the department. Each licensee
23 shall be responsible for maintaining in his or her personal files
24 such certificates or records of credit from continuing education
25 activities received from approved providers.

26 (5) The board may biennially select, in a random manner,
27 a sample of the license renewal applications for audit of
28 continuing education credits. Each licensee selected for audit

1 shall be required to produce documentation of his or her attendance
2 at the continuing education seminars listed on his or her renewal
3 application.

4 Sec. 22. Section 71-1,144.01, Revised Statutes
5 Supplement, 2000, is amended to read:

6 71-1,144.01. ~~(1)~~ Commencing in 1984, standards for
7 relicensure for each Each Nebraska-licensed pharmacist in active
8 practice within the State of Nebraska shall require that such
9 pharmacist biennially complete thirty hours of continuing
10 education, as prescribed in sections ~~71-1,144.01 to 71-1,144.05~~
11 complete continuing competency activities as required by the Board
12 of Pharmacy pursuant to section 71-161.09 as a prerequisite for the
13 licensee's next subsequent license renewal.

14 ~~(2) As used in sections 71-1,144.01 to 71-1,144.05,~~
15 ~~unless the context otherwise requires.~~

16 ~~(a) Continuing education shall mean study in one or more~~
17 ~~of the general areas of socioeconomic, administrative, managerial,~~
18 ~~and legal aspects of health care, the properties and actions of~~
19 ~~drugs and dosage forms, etiology, characteristics and therapeutics~~
20 ~~of the disease state, and related topics appropriate to the~~
21 ~~pharmacist in his or her role which are offered by an approved~~
22 ~~provider but not part of a formal degree program. The activity~~
23 ~~shall be a planned learning experience designed to promote the~~
24 ~~continual development of knowledge, skills, and attitudes on the~~
25 ~~part of the practitioner,~~

26 ~~(b) Approved provider shall mean an institution or~~
27 ~~organization meeting the same quality standards as those~~
28 ~~established in the Criteria for Quality of the American Council on~~

1 ~~Pharmaceutical Education,~~

2 ~~(c) Continuing education unit shall mean ten contact~~
3 ~~hours of participation in an organized continuing education~~
4 ~~experience, under responsible sponsorship, capable direction, and~~
5 ~~qualified instruction as defined by the American Council on~~
6 ~~Pharmaceutical Education,~~

7 ~~(d) Board shall mean the Board of Pharmacy, and~~

8 ~~(e) Department shall mean the Department of Health and~~
9 ~~Human Services Regulation and Licensure.~~

10 Sec. 23. Section 71-1,155, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-1,155. No person may practice veterinary medicine and
13 surgery in the state who is not a licensed veterinarian or the
14 holder of a valid temporary license issued by the board. The
15 Nebraska Veterinary Practice Act shall not be construed to
16 prohibit:

17 (1) An employee of the federal, state, or local
18 government from performing his or her official duties;

19 (2) A person who is a regular student in a veterinary
20 school from performing duties or actions assigned by his or her
21 instructors or from working under the direct supervision of a
22 licensed veterinarian during a school vacation period;

23 (3) Any merchant or manufacturer from selling feed or
24 feeds whether medicated or nonmedicated;

25 (4) A veterinarian regularly licensed in another state
26 from consulting with a licensed veterinarian in this state;

27 (5) Any merchant or manufacturer from selling from his or
28 her established place of business medicines, appliances, or other

1 products used in the prevention or treatment of animal diseases or
2 any merchant or manufacturer's representative from conducting
3 educational meetings to explain the use of his or her products or
4 from investigating and advising on problems developing from the use
5 of his or her products;

6 (6) An owner of livestock or a bona fide farm or ranch
7 employee from performing any act of vaccination, surgery, pregnancy
8 testing, or the administration of drugs in the treatment of
9 domestic animals under his or her custody or ownership nor the
10 exchange of services between persons or bona fide employees who are
11 principally farm or ranch operators or employees in the performance
12 of these acts;

13 (7) A member of the faculty of a veterinary school or
14 veterinary science department from performing his or her regular
15 functions, or a person lecturing or giving instructions or
16 demonstrations at a veterinary school or veterinary science
17 department or in connection with a continuing ~~education course or~~
18 ~~seminar~~ competency activity;

19 (8) Any person from selling or applying any pesticide,
20 insecticide, or herbicide;

21 (9) Any person from engaging in bona fide scientific
22 research which reasonably requires experimentation involving
23 animals;

24 (10) Any person from treating or in any manner caring for
25 domestic chickens, turkeys, or waterfowl, which are specifically
26 exempted from the Nebraska Veterinary Practice Act; or

27 (11) Any person from performing dehorning or castrating
28 livestock, not to include equidae.

1 For purposes of the Nebraska Veterinary Practice Act,
2 castration shall be limited to the removal or destruction of male
3 testes.

4 Sec. 24. Section 71-1,162, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-1,162. Each Nebraska-licensed veterinarian in active
7 practice within the State of Nebraska shall, be required on or
8 before April 1 of each even-numbered year, ~~commencing in 1986, to~~
9 ~~attend thirty-two hours of such approved scientific schools,~~
10 ~~clinics, forums, lectures, or veterinary educational seminars, as~~
11 ~~may be announced and approved by the board, complete continuing~~
12 ~~competency activities as required by the board pursuant to section~~
13 ~~71-161.09 as a prerequisite for the licensee's next subsequent~~
14 ~~license renewal. if at least thirty-two hours of such educational~~
15 ~~program are conducted biennially in the State of Nebraska.~~

16 Sec. 25. Section 71-1,165, Revised Statutes Supplement,
17 2000, is amended to read:

18 71-1,165. (1) To be a veterinary technician in this
19 state, an individual shall meet one of the following requirements:

20 (a) Be a graduate of an American Veterinary Medical
21 Association approved veterinary technician program and receive a
22 passing score on the national examination for such program as
23 determined by the board;

24 (b) On July 13, 2000, be an approved animal technician
25 certified under sections 71-1,168 to 71-1,185 as such sections
26 existed prior to such date; or

27 (c) Have at least five years or more full-time experience
28 working with a veterinarian, be employed by a veterinarian on July

1 13, 2000, and within three years after such date receive a passing
2 score on the national examination described in subdivision (1)(a)
3 of this section as determined by the board.

4 (2) To keep the license active, a Each licensed
5 veterinary technician shall ~~earn credit for twenty-four hours of~~
6 ~~continuing education every three years as approved by the board~~ be
7 required to complete continuing competency activities as required
8 by the board pursuant to section 71-161.09 as a prerequisite for
9 the licensee's next subsequent license renewal.

10 Sec. 26. Section 71-1,193, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-1,193. ~~(1) The board may contract with institutions~~
13 ~~of higher learning, professional organizations, or qualified~~
14 ~~individuals to provide continuing education programs for~~
15 ~~audiologists and speech-language pathologists. License fees may be~~
16 ~~used for such programs. Any funds set aside for the purposes of~~
17 ~~continuing education may be treated as state funds for the purposes~~
18 ~~of applying for and accepting any funds made available under~~
19 ~~federal law on a matching basis for the promulgation and~~
20 ~~maintenance of programs of continuing education. The board may~~
21 ~~also accept continuing education activities from other providers.~~

22 ~~(2) Commencing in 1986, every~~ Each Nebraska-licensed
23 audiologist and speech-language pathologist who is licensed to
24 practice in Nebraska and is in active practice in this state shall
25 be required to complete twenty clock hours of continuing education
26 every two years in accordance with sections 71-161.09 and 71-161.10
27 as a condition for relicensure continuing competency activities as
28 required by the board pursuant to section 71-161.09 as a

1 prerequisite for the licensee's next subsequent license renewal.

2 Sec. 27. Section 71-1,195.01, Reissue Revised Statutes
3 of Nebraska, is amended to read:

4 71-1,195.01. (1) ~~Commencing January 1, 1986, upon~~ Upon
5 application and payment of the registration fee of not less than
6 twenty dollars nor more than one hundred dollars as determined by
7 the department upon the recommendation of the board, the department
8 shall register to practice as a communication assistant any person
9 who:

10 (a) Is a graduate of an accredited high school or its
11 equivalent;

12 (b) Has successfully completed all required training
13 pursuant to sections 71-1,195.04 and 71-1,195.05 and any ~~annual~~
14 ~~continuing education~~ inservice training required pursuant to
15 section 71-1,195.09; and

16 (c) Has demonstrated ability to reliably maintain records
17 and provide treatment under the supervision of a licensed
18 audiologist or speech-language pathologist.

19 (2) Such registration shall be valid for one year from
20 the date of issuance. The fee for renewal of such registration
21 shall be the same as for the initial registration.

22 (3) The board shall, with the approval of the department,
23 adopt and promulgate rules and regulations necessary to administer
24 sections 71-1,195.01 to 71-1,195.09.

25 Sec. 28. Section 71-1,206.31, Reissue Revised Statutes
26 of Nebraska, is amended to read:

27 71-1,206.31. ~~A~~ Each Nebraska-licensed psychologist in
28 active practice within the State of Nebraska shall, in the period

1 since his or her license was issued or last renewed, complete at
2 ~~least twenty-four hours of continuing education courses.~~ Such
3 ~~courses shall be approved by the board and documented as provided~~
4 ~~in rules and regulations of the board~~ continuing competency
5 activities as required by the board pursuant to section 71-161.09
6 as a prerequisite for the licensee's next subsequent license
7 renewal.

8 Sec. 29. Section 71-1,228, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-1,228. ~~After January 1, 1987, no~~ No person shall
11 engage in the practice of respiratory care unless he or she is
12 licensed for such purpose pursuant to the Uniform Licensing Law.
13 ~~Commencing on June 1, 1988, licenses~~ Licenses shall be renewed on
14 June 1 of each even-numbered year. The department, on the
15 recommendation of the board, shall set the initial license fees and
16 the biennial license renewal fees for respiratory care
17 practitioners pursuant to section 71-162. ~~The department, on the~~
18 ~~recommendation of the board, shall determine the continuing~~
19 ~~education requirements for the period from January 1, 1987, to June~~
20 ~~1, 1988.~~

21 Sec. 30. Section 71-1,234, Revised Statutes Supplement,
22 2000, is amended to read:

23 71-1,234. ~~(1)~~ Each Nebraska-licensed respiratory care
24 practitioner in active practice within the State of Nebraska shall,
25 ~~be required~~ on or before June 1 of each even-numbered year,
26 ~~commencing in 1988, to attend twenty hours biennially of such~~
27 ~~approved scientific schools, clinics, forums, lectures, or~~
28 ~~educational seminars as may be approved by the board~~ complete

1 continuing competency activities as required by the board pursuant
2 to section 71-161.09 as a prerequisite for the licensee's next
3 subsequent license renewal. if at least twenty hours of such
4 educational program are conducted biennially in the State of
5 Nebraska, except as provided in section 71-1,228.

6 ~~(2) Each licensed respiratory care practitioner in active~~
7 ~~practice within the State of Nebraska shall, on or before June 1 of~~
8 ~~each even-numbered year, certify on an affidavit form provided by~~
9 ~~the board that he or she has complied with this section during the~~
10 ~~preceding two-year period or the period since the license was last~~
11 ~~issued. The board shall, on or before June 1 of each even-numbered~~
12 ~~year, report all licensees who have complied with the educational~~
13 ~~requirements to the Department of Health and Human Services~~
14 ~~Regulation and Licensure. Licensees who have not complied with~~
15 ~~such requirements shall not be issued a renewal license unless~~
16 ~~exempt or unable to comply due to circumstances beyond their~~
17 ~~control. Procedures for nonrenewal for failure to submit proof of~~
18 ~~continuing education shall be identical to those for nonpayment of~~
19 ~~renewal fees as provided in sections 71-110 and 71-149. In cases~~
20 ~~other than nonrenewal, the procedures in sections 71-149 and 71-150~~
21 ~~for refusal to renew shall apply. The department, on the~~
22 ~~recommendation of the board, may waive all or part of the~~
23 ~~continuing education requirements for any two-year licensing~~
24 ~~period, or for the period since the license was last issued, when a~~
25 ~~licensee submits documentation that circumstances beyond his or her~~
26 ~~control prevented completion of such requirements. Such~~
27 ~~circumstances shall include situations in which:~~

28 ~~(a) The licensee holds a Nebraska license but is not in~~

1 the practice of respiratory care in Nebraska,

2 (b) The licensee has served in the regular armed forces
3 of the United States during any part of the twenty-four months
4 immediately preceding the license renewal date,

5 (c) The licensee has submitted proof that he or she was
6 suffering from a serious or disabling illness or physical
7 disability which prevented completion of the required number of
8 continuing education hours during the twenty-four months
9 immediately preceding any license renewal date, and

10 (d) The licensee was first licensed within the
11 twenty-four months immediately preceding the renewal date provided
12 in section 71-110.

13 (3) The department, upon the recommendation of the board,
14 may adopt and promulgate rules and regulations not inconsistent
15 with this section pertaining to waiver of continuing education
16 requirements.

17 (4) Each licensee shall provide a sworn affidavit listing
18 continuing education activities in which he or she participated or
19 attended, the amount of credit received for each activity, and the
20 date, location, and name of the approved provider which sponsored
21 the activity on a separate form or portion of the license renewal
22 application as may be designed by the department. Each licensee
23 shall be responsible for maintaining in his or her personal files
24 such certificates or records of credit from continuing education
25 activities received from approved providers.

26 (5) The board may biennially select, in a random manner,
27 a sample of the license renewal applications for audit of
28 continuing education credits. Each licensee selected for audit

1 shall be required to produce documentation of his or her attendance
2 at continuing education seminars listed on his or her renewal
3 application.

4 Sec. 31. Section 71-1,280, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-1,280. (1) ~~After August 1, 1988, no~~ No person shall
7 engage in the practice of massage therapy or the operation of a
8 massage therapy school or establishment unless he or she obtains a
9 license from the department for that purpose.

10 (2) ~~Any license issued under the provisions of law in~~
11 ~~effect immediately prior to August 1, 1988, for either a person to~~
12 ~~engage in the practice of massage or the operation of a massage~~
13 ~~school or establishment shall be valid until November 1, 1989, and~~
14 ~~shall be deemed a license to practice as a massage therapist or to~~
15 ~~operate a massage therapy school or establishment respectively.~~

16 ~~(3) Commencing in November 1989 and in~~ In November of
17 each odd-numbered year, ~~thereafter,~~ all license holders shall apply
18 for renewal of such license pursuant to the Uniform Licensing Law.

19 ~~(4) Commencing in 1988, each~~ (3) Each Nebraska-licensed
20 massage therapist in active practice within the State of Nebraska
21 shall, on or before November 1 of each odd-numbered year, be
22 ~~required to complete eighteen hours of continuing education every~~
23 ~~two years in accordance with sections 71-161.09 and 71-161.10 as a~~
24 ~~condition for licensure~~ continuing competency activities as
25 required by the board pursuant to section 71-161.09 as a
26 prerequisite for the licensee's next subsequent license renewal.

27 Sec. 32. Section 71-1,292, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 71-1,292. ~~(1) Except as otherwise provided in section~~
2 ~~71-1,294, each~~ Each licensed medical nutrition therapist shall, in
3 the period since his or her license was issued or last renewed,
4 complete at least thirty hours of approved continuing education
5 courses, clinics, forums, lectures, training programs, or seminars
6 appropriate for medical nutrition therapy. The board and the
7 department shall determine the manner in which attendance at all
8 approved courses, clinics, forums, lectures, training programs, or
9 seminars will be monitored, recorded, and submitted to the
10 department. Such rules and regulations shall be adopted and
11 promulgated in the manner and form prescribed by sections
12 continuing competency activities as required by the board pursuant
13 to section 71-161.09 and 71-161.10 as a prerequisite for the
14 licensee's next subsequent license renewal.

15 ~~(2) Each licensed medical nutrition therapist shall~~
16 ~~submit evidence, on forms provided by the department, that he or~~
17 ~~she has satisfied the requirements for renewal in accordance with~~
18 ~~section 71-110.~~

19 Sec. 33. Section 71-1,294, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-1,294. ~~(1) Notwithstanding any other provision in the~~
22 ~~Uniform Licensing Law, the initial medical nutrition therapist's~~
23 ~~license shall be valid until September 1, 1997. Commencing on~~
24 ~~September 1, 1997, a~~ A medical nutrition therapist's license shall
25 be renewed on September 1 of each odd-numbered year. The
26 department, on the recommendation of the board, shall set the
27 initial license fee and the biennial license renewal fee for
28 medical nutrition therapists pursuant to section 71-162.

1 ~~(2) The department, on the recommendation of the board,~~
2 ~~shall determine the continuing education requirements for a~~
3 ~~licensed medical nutrition therapist for the period September 1,~~
4 ~~1996, to September 1, 1997.~~

5 Sec. 34. Section 71-1,315, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 71-1,315. ~~(1) Except as otherwise provided in this~~
8 ~~section, each~~ Each licensed mental health practitioner shall, in
9 the period since his or her license was issued or last renewed,
10 complete continuing competency activities as required by the board
11 pursuant to section 71-161.09 as a prerequisite for the licensee's
12 next subsequent license renewal. ~~at least thirty-two hours of~~
13 ~~approved continuing education courses, clinics, forums, lectures,~~
14 ~~training programs, or seminars.~~

15 The board and the department shall determine the manner
16 in which attendance at all approved courses, clinics, forums,
17 lectures, programs, or seminars shall be monitored, recorded, and
18 submitted to the department. Such rules and regulations shall be
19 adopted and promulgated in the manner and form prescribed by
20 sections ~~71-161.09 and 71-161.10.~~

21 ~~(2)(a) Each licensed mental health practitioner shall~~
22 ~~submit evidence, on forms provided by the department, that he or~~
23 ~~she has satisfied the requirements of this section before his or~~
24 ~~her license is renewed. Such evidence shall be submitted at the~~
25 ~~time application for renewal of a license is made.~~

26 ~~(b) If the licensed mental health practitioner has~~
27 ~~satisfied the requirements of this section at the time application~~
28 ~~for renewal of the license is submitted, his or her license shall~~

1 be automatically renewed.

2 (c) If the licensed mental health practitioner has not
3 satisfied the requirements of this section at the time application
4 for renewal of the license is submitted, the department shall
5 notify him or her of such in the manner prescribed by section
6 71-110. Unless an extension of time to meet the requirements of
7 this section has been granted or a waiver of the requirements of
8 this section approved, the license shall be automatically revoked
9 in the manner and form provided in section 71-149.

10 (3) The department, on the recommendation of the board,
11 may waive the continuing education requirements, in part or in
12 whole, for any two-year licensing period when a licensed mental
13 health practitioner submits documentation that circumstances beyond
14 his or her control prevented him or her from completing such
15 requirements. Such circumstances shall include that the licensee:

16 (a) Holds a Nebraska license but is not engaged in mental
17 health practice in Nebraska;

18 (b) Has been in the service of the regular armed forces
19 of the United States during any part of the period since his or her
20 license was issued or last renewed; or

21 (c) Is a legal resident of another state, territory, or
22 the District of Columbia and has not practiced as a licensed mental
23 health practitioner in the State of Nebraska since his or her
24 license was issued or last renewed.

25 (4) Any person seeking to reinstate a license which has
26 lapsed within the preceding year shall comply with the continuing
27 education requirements for regular renewal of the license. Any
28 person seeking to reinstate a license which has lapsed one year or

1 longer prior to the time of seeking reinstatement shall present
2 satisfactory evidence of having completed at least sixteen hours of
3 the approved continuing education requirements within one year
4 prior to his or her application for reinstatement.

5 (5) Each licensed mental health practitioner shall
6 provide a sworn affidavit listing continuing education activities
7 which he or she participated in or attended, the amount of credit
8 received for each activity, and the date, location, and name of the
9 approved provider which sponsored the activity on a separate form
10 or portion of the license renewal application as may be designated
11 by the department. Each licensed mental health practitioner shall
12 be responsible for maintaining in his or her personal files such
13 certificates or records of credit from continuing education
14 activities received from approved providers. The board may
15 biennially select, in a random manner, a sample of the license
16 renewal applications for audit of continuing education credits.
17 Each licensed mental health practitioner selected for audit shall
18 be required to produce documentation of his or her attendance at
19 those continuing education courses, clinics, forums, lectures,
20 programs, or seminars listed on his or her renewal application.

21 (6) The department shall not renew or reinstate a license
22 for any person who has failed to comply with the requirements of
23 this section.

24 (7) Any continuing education hours accepted for renewal
25 of an associated certificate in social work, professional
26 counseling, or marriage and family therapy shall be credited toward
27 fulfillment of the thirty-two hours of continuing education
28 required for renewal of a license as a mental health practitioner.

1 Sec. 35. Section 71-1,321, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1,321. ~~(1) Except as otherwise provided in this~~
4 ~~section, each~~ Each certified social worker and each certified
5 master social worker shall, in the period since his or her
6 certificate was issued or last renewed, complete continuing
7 competency activities as required by the board pursuant to section
8 71-161.09 as a prerequisite for certificate renewal. ~~at least~~
9 ~~thirty-two hours of approved continuing education courses, clinics,~~
10 ~~forums, lectures, training programs, or seminars.~~

11 The board and the department shall determine the manner
12 in which attendance at all approved courses shall be monitored,
13 recorded, and submitted to the department. Such rules and
14 regulations shall be adopted and promulgated in the manner and form
15 prescribed by sections ~~71-161.09 and 71-161.10.~~

16 ~~(2)(a) Each certificate holder shall submit evidence, on~~
17 ~~forms provided by the department, that he or she has satisfied the~~
18 ~~requirements of this section before his or her certificate is~~
19 ~~renewed. Such evidence shall be submitted at the time application~~
20 ~~for renewal of a certificate is made.~~

21 ~~(b) If the certificate holder has satisfied the~~
22 ~~requirements of this section at the time application for renewal of~~
23 ~~the certificate is submitted, his or her certificate shall be~~
24 ~~automatically renewed.~~

25 ~~(c) If the certificate holder has not submitted the~~
26 ~~evidence required by this section at the time application for~~
27 ~~renewal of the certificate is submitted, the department shall~~
28 ~~notify him or her of such in the manner prescribed by section~~

1 ~~71-110.~~ Unless an extension of time to meet the requirements of
2 this section has been granted or a waiver of its requirements
3 approved, the certificate shall be automatically revoked in the
4 manner and form provided in section ~~71-149~~. In cases other than
5 nonrenewal, the procedures in sections ~~71-149~~ and ~~71-150~~ for
6 refusal to renew shall apply.

7 ~~(3)~~ The department, on the recommendation of the board,
8 may waive the continuing education requirements, in part or in
9 whole, for any two-year certificate period or for the period of
10 time since the certificate was last issued when a certificate
11 holder submits documentation that circumstances beyond his or her
12 control prevented him or her from completing such requirements.
13 Such circumstances shall include that the certificate holder:

14 ~~(a)~~ Holds a Nebraska certificate but is not practicing
15 social work in Nebraska,

16 ~~(b)~~ Has been in the service of the regular armed forces
17 of the United States during any part of the period since his or her
18 certificate was issued or last renewed, or

19 ~~(c)~~ Is a legal resident of another state, territory, or
20 the District of Columbia and has not practiced as a certified
21 social worker or as a certified master social worker in the State
22 of Nebraska since his or her certificate was issued or last
23 renewed.

24 ~~(4)~~ Any person seeking to reinstate a certificate which
25 has lapsed within the preceding year shall comply with the
26 continuing education requirements for regular renewal of the
27 certificate. Any person seeking to reinstate a certificate which
28 has lapsed one year or longer prior to the time of seeking

1 reinstatement shall present satisfactory evidence of having
2 completed at least sixteen hours of approved continuing education
3 credits within one year prior to his or her application for
4 reinstatement.

5 (5) Each certificate holder shall provide a sworn
6 affidavit listing the continuing education activities which he or
7 she participated in or attended, the amount of credit received for
8 each activity, and the date, location, and name of the approved
9 provider which sponsored the activity on a separate form or portion
10 of the certificate renewal application as may be designated by the
11 department. Each certificate holder shall be responsible for
12 maintaining in his or her personal files such certificates or
13 records of credit from continuing education activities received
14 from approved providers. The board may select, in a random manner,
15 a sample of the certificate renewal applications for audit of
16 continuing education credits. Each certificate holder selected for
17 audit shall be required to produce documentation of his or her
18 attendance at those continuing education seminars listed on his or
19 her renewal application.

20 (6) The department shall not renew a certificate or
21 reinstate a certificate for any person who has failed to comply
22 with the requirements of this section.

23 Sec. 36. Section 71-1,326, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-1,326. ~~(1)~~ Except as otherwise provided in this
26 section, each Each certified professional counselor shall, in the
27 period since his or her certificate was issued or last renewed,
28 complete continuing competency activities as required by the board

1 pursuant to section 71-161.09 as a prerequisite for certificate
2 renewal. at least thirty-two hours of approved continuing
3 education courses, clinics, forums, lectures, training programs, or
4 seminars.

5 The board and the department shall determine the manner
6 in which attendance at all approved courses, clinics, forums,
7 lectures, programs, or seminars shall be monitored, recorded, and
8 submitted to the department. Such rules and regulations shall be
9 adopted and promulgated in the manner and form prescribed by
10 sections ~~71-161.09~~ and ~~71-161.10~~.

11 ~~(2)(a)~~ Each certified professional counselor shall submit
12 evidence, on forms provided by the department, that he or she has
13 satisfied the requirements of this section before his or her
14 certificate is renewed. Such evidence shall be submitted at the
15 time application for renewal of a certificate is made.

16 ~~(b)~~ If the certified professional counselor has satisfied
17 the requirements of this section at the time application for
18 renewal of the certificate is submitted, his or her certificate
19 shall be automatically renewed.

20 ~~(c)~~ If the certified professional counselor has not
21 submitted the evidence required by this section at the time
22 application for renewal of the certificate is submitted, the
23 department shall notify him or her of such in the manner prescribed
24 by section ~~71-110~~. Unless an extension of time to meet the
25 requirements of this section has been granted or a waiver of the
26 requirements of this section approved, the certificate shall be
27 automatically revoked in the manner and form provided in section
28 ~~71-149~~. In cases other than nonrenewal, the procedures in sections

1 ~~71-149 and 71-150 for refusal to renew shall apply.~~

2 ~~(3) The department, on the recommendation of the board,~~
3 ~~may waive the continuing education requirements, in part or in~~
4 ~~whole, for any two-year certificate period when a certified~~
5 ~~professional counselor submits documentation that circumstances~~
6 ~~beyond his or her control prevented him or her from completing such~~
7 ~~requirements. Such circumstances shall include that the~~
8 ~~certificate holder.~~

9 ~~(a) Holds a Nebraska certificate but is not practicing~~
10 ~~professional counseling in Nebraska,~~

11 ~~(b) Has been in the service of the regular armed forces~~
12 ~~of the United States during any part of the period since his or her~~
13 ~~certificate was issued or last renewed, or~~

14 ~~(c) Is a legal resident of another state, territory, or~~
15 ~~the District of Columbia and has not practiced as a certified~~
16 ~~professional counselor in the State of Nebraska since his or her~~
17 ~~certificate was issued or last renewed.~~

18 ~~(4) Any person seeking to reinstate a certificate which~~
19 ~~has lapsed within the preceding year shall comply with the~~
20 ~~continuing education requirements for regular renewal of the~~
21 ~~certificate. Any person seeking to reinstate a certificate which~~
22 ~~has lapsed one year or longer prior to the time of seeking~~
23 ~~reinstatement shall present satisfactory evidence of having~~
24 ~~completed at least sixteen hours of the approved continuing~~
25 ~~education requirements within one year prior to his or her~~
26 ~~application for reinstatement.~~

27 ~~(5) Each certified professional counselor shall provide a~~
28 ~~sworn affidavit listing continuing education activities which he or~~

1 she participated in or attended, the amount of credit received for
2 each activity, and the date, location, and name of the approved
3 provider which sponsored the activity on a separate form or portion
4 of the certificate renewal application as may be designated by the
5 department. Each certified professional counselor shall be
6 responsible for maintaining in his or her personal files such
7 certificates or records of credit from continuing education
8 activities received from approved providers. The board may
9 biennially select, in a random manner, a sample of the certificate
10 renewal applications for audit of continuing education credits.
11 Each certified professional counselor selected for audit shall be
12 required to produce documentation of his or her attendance at those
13 continuing education courses, clinics, forums, lectures, programs,
14 or seminars listed on his or her renewal application.

15 (6) The department shall not renew a certificate or
16 reinstate a certificate for any person who has failed to comply
17 with the requirements of this section.

18 Sec. 37. Section 71-1,330, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-1,330. (1) Except as otherwise provided in this
21 section, each Each certified marriage and family therapist shall,
22 in the period since his or her certificate was issued or last
23 renewed, complete continuing competency activities as required by
24 the board pursuant to section 71-161.09 as a prerequisite for
25 certificate renewal. at least thirty-two hours of approved
26 continuing education courses, clinics, forums, lectures, training
27 programs, or seminars. The board and the department shall
28 determine the manner in which attendance at all approved courses

1 shall be monitored, recorded, and submitted for the department.
2 Such rules and regulations shall be adopted and promulgated in the
3 manner and by the form prescribed by sections 71-161.09 and
4 71-161.10.

5 (2) Each certificate holder shall submit evidence, on
6 forms provided by the department, that he or she has satisfied the
7 requirements of subsection (1) of this section before his or her
8 certificate is renewed. Such evidence shall be submitted at the
9 time application for renewal of a certificate is made. If the
10 certificate holder has satisfied the requirements of such
11 subsection at the time that an application for renewal of the
12 certificate is submitted, his or her certificate shall be
13 automatically renewed. If the certificate holder has not submitted
14 the evidence required by this section at the time application for
15 renewal of the certificate is submitted, the department shall
16 notify him or her of such in the manner prescribed by section
17 71-110. Unless an extension of time to meet the requirements of
18 such subsection has been granted or a waiver of its requirements
19 approved, the certificate shall be automatically revoked in the
20 manner and form provided in section 71-149. In cases other than
21 nonrenewal, the procedures in sections 71-149 and 71-150 for
22 refusal to renew shall apply.

23 (3) The department, on the recommendation of the board,
24 may waive the continuing education requirements, in part or in
25 whole, for any two-year certificate period or for the period of
26 time since the certificate was last issued when a certificate
27 holder submits documentation that circumstances beyond his or her
28 control prevented him or her from completing such requirements.

1 Such circumstances shall include that the certificate holder,

2 (a) Holds a Nebraska certificate but is not practicing
3 marriage and family therapy in Nebraska,

4 (b) Has been in the service of the regular Armed Forces
5 of the United States during any part of the period since his or her
6 certificate was issued or last renewed, or

7 (c) Is a legal resident of another state, territory, or
8 the District of Columbia and has not practiced as a certified
9 marriage and family therapist in the State of Nebraska since his or
10 her certificate was issued or last renewed.

11 (4) Any person seeking to reinstate a certificate which
12 has lapsed within the preceding year shall comply with the
13 continuing education requirements for regular renewal of the
14 certificate. Any person seeking to reinstate a certificate which
15 has lapsed one year or longer prior to the time of seeking
16 reinstatement shall present satisfactory evidence of having
17 completed at least sixteen hours of approved continuing education
18 credits within one year prior to his or her application for
19 reinstatement.

20 (5) Each certificate holder shall provide a sworn
21 affidavit listing the continuing education activities which he or
22 she participated in or attended, the amount of credit received for
23 each activity, and the date, location, and name of the approved
24 provider which sponsored the activity on a separate form or portion
25 of the certificate renewal application as may be designated by the
26 department. Each certificate holder shall be responsible for
27 maintaining in his or her personal files such certificates as
28 records of credit from continuing education activities received

1 ~~from approved providers. The board may select, in a random manner,~~
2 ~~a sample of the certificate renewal applications for audit of~~
3 ~~continuing education credits. Each certificate holder selected for~~
4 ~~audit shall be required to produce documentation of his or her~~
5 ~~attendance at those continuing education seminars listed on his or~~
6 ~~her renewal application.~~

7 ~~(6) The department shall not renew or reinstate a~~
8 ~~certificate for any person who has failed to comply with the~~
9 ~~requirements of this section.~~

10 Sec. 38. Section 71-341, Revised Statutes Supplement,
11 2000, is amended to read:

12 71-341. The Legislature finds that: (1) A great number
13 of Nebraska citizens regularly demand and receive cosmetology, nail
14 technology, and electrology services; (2) the practices of
15 cosmetology, nail technology, and electrology involve the use of
16 implements and chemicals that, if used or applied improperly, can
17 be hazardous to human health and safety; (3) inadequate sanitation
18 in the practice of cosmetology, nail technology, or electrology can
19 encourage the spread of contagious diseases, infections, and
20 infestations to the detriment of the health and safety of the
21 public; (4) the knowledge of proper sanitation techniques and the
22 proper use of implements and chemicals can best be gained by
23 rigorous and extensive training in cosmetology, nail technology,
24 and electrology at institutions operated exclusively for such
25 purposes; (5) the need of the public to be served by well-trained
26 persons and the need of cosmetology, nail technology, and
27 electrology students to receive an appropriate education can best
28 be met through the enactment of standards for the approval of

1 schools of cosmetology, nail technology schools, and schools of
2 electrology; (6) the effectiveness of cosmetology, nail technology,
3 or electrology training and the competency to practice can best be
4 demonstrated by the passage of an impartially administered
5 examination before a person is permitted to practice; (7) ~~continued~~
6 continuing competency can best be demonstrated by participation in
7 ~~formal programs of continuing education~~ competency activities; (8)
8 the establishment and maintenance of a safe environment in places
9 where cosmetology, nail technology, or electrology is practiced can
10 best be ensured through the establishment of operating and sanitary
11 requirements for the safe and sanitary operation of such places;
12 (9) the protection of the health and safety of its citizens is a
13 principal concern and duty of the State of Nebraska; and (10) the
14 reasonable regulation and limitation of a field of practice or
15 occupation for the purpose of protecting the health and safety of
16 the public is a legitimate and justified exercise of the police
17 power of the state.

18 Sec. 39. Section 71-377, Revised Statutes Supplement,
19 2000, is amended to read:

20 71-377. The board shall:

21 (1) Review all reports of alleged violations investigated
22 by the department and recommend action as authorized under the
23 Nebraska Cosmetology Act;

24 (2) Approve all licensing examinations used;

25 (3) Serve as consultant to the department in all matters
26 relating to cosmetology, nail technology, or electrology and to the
27 enforcement and implementation of the act; ~~Nebraska Cosmetology~~
28 ~~Act~~; and

1 (4) Recommend applicants to the department for the
 2 professional level position which will be responsible for the daily
 3 administration of the ~~Nebraska Cosmetology Act~~ act; and

4 (5) Establish continuing competency requirements for
 5 persons licensed under the act for adoption and promulgation by the
 6 department in rules and regulations. Continuing education is
 7 sufficient to meet continuing competency requirements. The
 8 requirements may also include, but not be limited to, one or more
 9 of the continuing competency activities listed in section 71-161.09
 10 which a licensee may select as an alternative to continuing
 11 education.

12 Sec. 40. Section 71-382, Revised Statutes Supplement,
 13 2000, is amended to read:

14 71-382. Fees shall be set by the board within the dollar
 15 ranges provided in this section.

			Late
		Biennial	Renewal
	Fee	Initial	Renewal
			Penalty
19	Practitioner Licenses:		
20	Cosmetologist license	20-300	16-500 25-75
21	Nail technician license	10-300	16-500 25-75
22	Esthetician license	10-300	16-500 25-75
23	Electrologist license	10-300	16-500 25-75
24	Electrology instructor	10-300	16-500 25-75
25	Nail technology instructor	10-300	16-500 25-75
26	Instructor	10-300	16-500 25-75
27	Practitioner Registrations:		
28	Guest artist registration	10-300	-- --

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1	Temporary practitioner			
2	registration	5-300	--	--
3	Nail technology temporary			
4	practitioner registration	5-300	--	--
5	Cosmetician registration	5-300	--	--
6	Inactive renewal	--	16-500	25-75
7	Establishments:			
8	Cosmetology salon	50-300	20-400	10-35
9	Nail technology salon	50-300	20-400	10-35
10	Skin care salon	40-300	20-400	10-35
11	Cosmetic establishment	20-300	10-400	5-35
12	Electrology establishment	40-300	25-400	10-35
13	Apprentice training salon	100-300	25-400	10-35
14	School of cosmetology	1000-3000	200-750	25-250
15	School of electrolysis	500-1000	200-750	25-250
16	Nail technology school	500-1500	100-375	25-125
17	Satellite classroom	250-750	100-400	25-125
18	Other:			
19	Transfer school location			
20	within county	250-500	--	--
21	Duplicate license or			
22	registration	5-20	--	--
23	Certification of grades or			
24	hours to another state	5-20	--	--
25	Continuing education			
26	program fee	10-100	--	--
27	Continuing competency			
28	activity fee	<u>10-100</u>	<u>--</u>	<u>--</u>

1 Repeat inspection 30-300 -- --

2 Home services permit 10-300 20-400 10-35

3 Sec. 41. Section 71-397, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-397. (1) Each license issued under the Nebraska
6 Cosmetology Act shall expire and be subject to renewal every two
7 years. All cosmetology and instructor's licenses shall expire and
8 be subject to renewal on December 31 of each even-numbered year.
9 All esthetician's licenses shall expire and be subject to renewal
10 on September 30 of each even-numbered year. All electrologist's
11 and electrology instructor's licenses ~~issued on or before July 31,~~
12 ~~1997,~~ shall expire and be subject to renewal ~~on that date and on~~
13 ~~July 31 of each odd-numbered year. thereafter.~~

14 (2) At least thirty days before the expiration of a
15 license, the department shall notify each licensee by a letter
16 addressed to the licensee at the last address contained in the
17 department's records. Any licensee who fails to pay the renewal
18 fee or file a complete application for renewal on or before the
19 date of expiration of the license shall be given a second notice in
20 the same manner, advising him or her that:

21 (a) The renewal fee has not been received or the
22 application is incomplete;

23 (b) The license has expired;

24 (c) The department will suspend action for thirty days
25 following the date of expiration;

26 (d) If the renewal fee and the additional late renewal
27 fee of twenty-five dollars are or a complete application is
28 received within such thirty-day period, no order of revocation will

1 be entered;

2 (e) If the inactive renewal fee is received within such
3 thirty-day period, the license will be placed on inactive status
4 and no order of revocation will be entered; and

5 (f) Upon failure to receive the fee or complete
6 application under either subdivision (d) or (e) of this subsection
7 within such thirty-day period, an order of revocation will be
8 entered.

9 (3) Any licensee who allows his or her license to expire
10 by failure to renew according to this section may petition the
11 department for reinstatement. Reinstatement may be granted upon
12 the recommendation of the board and upon receipt by the department
13 of a complete application for reinstatement accompanied by all
14 regular renewal fees and the late renewal fee. If application for
15 reinstatement is made more than thirty days after expiration and
16 not more than one year from the date of revocation, the late
17 renewal fee shall be fifty dollars. If application for
18 reinstatement is made more than one year after revocation, the late
19 renewal fee shall be seventy-five dollars. If an electrology
20 instructor's license has been expired or has been on inactive
21 status for five years or more, such electrology instructor shall
22 retake and pass the electrology instructor's examination before
23 such license is reinstated.

24 (4) No license may be renewed or reinstated unless the
25 licensee provides evidence of compliance with the continuing
26 ~~education provisions contained in sections 71-3,107 to 71-3,118~~
27 competency activities as required by the board pursuant to section
28 71-377.

1 Sec. 42. Section 71-3,107, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-3,107. ~~After January 1, 1989, no~~ No licensed
4 practitioner shall renew his or her license to practice unless he
5 or she has, ~~obtained,~~ within the biennium immediately preceding the
6 date of expiration of the license, completed continuing competency
7 activities as required by the board pursuant to section 71-377.
8 ~~the number of hours of approved continuing education required for~~
9 ~~his or her type of license as designated in the Nebraska~~
10 ~~Cosmetology Act and complied with all other requirements of such~~
11 ~~act. Continuing education shall be measured in terms of hours of~~
12 ~~participation in an approved continuing education program, and each~~
13 ~~fifty minutes of participation shall constitute one hour.~~

14 The number of hours of approved continuing education
15 required shall be as follows:

16 ~~(1) For a license to practice cosmetology, sixteen hours,~~

17 ~~(2) For a license to practice as an instructor, sixteen~~
18 ~~hours,~~

19 ~~(3) For a license to practice as an esthetician, eight~~
20 ~~hours,~~

21 ~~(4) For a license to practice as an electrologist, eight~~
22 ~~hours, and~~

23 ~~(5) For a license to practice as an electrology~~
24 ~~instructor, twenty hours.~~

25 Sec. 43. Section 71-3,108, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 71-3,108. Each licensee shall submit with his or her
28 application for license renewal a ~~signed and notarized affidavit~~

1 affirming that the licensee has obtained the required hours within
2 the preceding biennium and listing the approved programs in which
3 the licensee participated in order to obtain such hours. The board
4 may require further evidence to substantiate the licensee's
5 statement at its discretion documentation of continuing competency
6 activities as required by the board pursuant to section 71-377.
7 The board may biennially select, in a random manner, a sample of
8 the license renewal applications for audit of continuing education
9 credits, except that such information shall be requested by the
10 board within three years of the date on which the program was held
11 competency activities. Each licensee selected for audit shall be
12 required to produce documentation of his or her attendance at the
13 continuing education ~~seminars~~ competency activities listed on his
14 or her renewal application.

15 Sec. 44. Section 71-3,112, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 71-3,112. Each individual licensee shall be responsible
18 for maintaining the records of his or her continuing education
19 competency activities. Each provider of an approved continuing
20 education program shall maintain such records as are necessary to
21 establish the program's approval and the persons who attended for a
22 period of three years.

23 Sec. 45. Section 71-3,115, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-3,115. A licensee who fails to earn the required
26 number of continuing education hours in a biennium, and who is not
27 exempted from such requirement by the Nebraska Cosmetology Act,
28 complete continuing competency activities as required by the board

1 pursuant to section 71-377 may request that his or her license be
2 placed on inactive status upon its expiration. Such a request
3 shall be granted upon payment of the required fee. No person shall
4 practice in any manner under an inactive license. An inactive
5 license may be restored to active status at such time as the
6 licensee so petitions the department and presents evidence that he
7 or she has completed continuing competency activities as required
8 by the board. the number of approved continuing education hours
9 ~~required as follows:~~

10 ~~(1) For a license inactive less than two years, the~~
11 ~~amount of continuing education hours required for regular renewal,~~

12 ~~(2) For a license inactive at least two years, but less~~
13 ~~than six years, two times the amount of continuing education~~
14 ~~required for regular renewal,~~

15 ~~(3) For a license inactive at least six years, but less~~
16 ~~than ten years, three times the amount of continuing education~~
17 ~~hours required for regular renewal, and~~

18 ~~(4) For a license inactive ten years or more, four times~~
19 ~~the amount of continuing education required for regular license~~
20 ~~renewal.~~

21 ~~Hours of continuing education earned for the purpose of~~
22 ~~restoring an inactive license shall not be counted toward~~
23 ~~fulfillment of the renewal requirement for the next biennium.~~

24 Sec. 46. Section 71-3,117, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-3,117. The following classes of persons shall have a
27 limited exemption from the continuing education competency
28 requirements of the Nebraska Cosmetology Act established by the

1 board pursuant to section 71-377:

2 (1) Any licensee submitting proof that he or she was
3 suffering from a serious or disabling illness or disability that
4 prevented him or her from completing the continuing ~~education~~
5 competency requirements shall be exempt for the biennium if, by the
6 renewal date, he or she is able to practice effectively and to
7 attend continuing ~~education seminars~~ competency activities. Any
8 licensee who remains unable to practice effectively at his or her
9 regularly scheduled renewal date shall be placed on inactive
10 status. A physician's statement shall be submitted in support of
11 any request for a continuing ~~education~~ competency exemption based
12 on an illness or disability;

13 (2) Any licensee submitting proof of service in the
14 regular armed forces of the United States during any part of the
15 immediately preceding biennium shall be exempt for that biennium;

16 (3) Any person receiving an initial license in Nebraska
17 during the second year of the biennium shall be exempt from the
18 continuing ~~education~~ competency requirement for that biennium only;

19 (4) Any licensee submitting proof that he or she has not
20 lived in Nebraska at any time during the six months immediately
21 preceding the date of license renewal and who has not worked in
22 Nebraska at any time during such period shall be exempt for that
23 biennium and shall be placed on inactive status;

24 (5) An instructor who meets the continuing ~~education~~
25 competency requirements for the instructor's license shall be
26 exempt from meeting the continuing ~~education~~ competency
27 requirements for his or her cosmetologist license for that
28 biennium; and

1 (6) An electrology instructor who meets the continuing
2 ~~education~~ competency requirements for the electrology instructor's
3 license shall be exempt from meeting the continuing ~~education~~
4 competency requirements for his or her electrologist license for
5 that biennium.

6 Sec. 47. Section 71-3,179, Revised Statutes Supplement,
7 2000, is amended to read:

8 71-3,179. The department, with the assistance of the
9 board, shall adopt and promulgate all rules, regulations, and
10 guidelines necessary for the administration of the Nebraska
11 Cosmetology Act. In particular, the department shall adopt and
12 promulgate the following rules and regulations:

13 (1) Minimum standards governing ~~the~~ licensure,
14 ~~relicensure~~ license renewal, ~~and~~ discipline of licensees, and
15 license reinstatement;

16 (2) Operation of schools of cosmetology, nail technology
17 schools, schools of electrology, and apprentice salons, including
18 standards and requirements governing application, curriculum,
19 course of study, hours and credits, staff and faculty, student and
20 nail technology student admission and registration, student
21 instructor, nail technology student instructor, and apprentice
22 admission and registration, instruction and supervision, textbooks,
23 transfers, examinations, grading and evaluation, graduation
24 requirements, records, reporting requirements, sanitation, attire,
25 school and salon rules and policies, smoking, subject content,
26 lesson plans, methods of counting and recording hours and credits,
27 library facilities, space requirements, teaching equipment and
28 apparatus, supplies, organization and administration, transfer of

1 location, closing a school, change of ownership or location,
2 scheduling of courses, class size, ratio of instructors or nail
3 technology instructors to students or nail technology students,
4 clinical experience requirements and locations, inspections,
5 license renewal procedures and requirements, and any other related
6 areas;

7 (3) Minimum standards governing the licensure,
8 ~~relicensure~~ license renewal, discipline of licensees, license
9 reinstatement, and operation of satellite classrooms, including
10 movement of students among satellite classrooms and home schools,
11 location of records, ratio of students to instructors, inspections,
12 reporting requirements, and any other related areas;

13 (4) Minimum standards governing the licensure,
14 ~~relicensure~~ license renewal, discipline of licensees, license
15 reinstatement, and operation of cosmetology salons, nail technology
16 salons, and skin care salons, including standards and requirements
17 governing space, facilities, equipment, hours of operation,
18 cleanliness and sanitation, smoking, laundry, storage facilities,
19 instruments, implements, materials and supplies, methods and
20 particular aspects of sanitizing, pets, toilet facilities, water,
21 client files, employment and supervision of temporary
22 practitioners, practices permitted, application, inspection, sale
23 or change of ownership, closing a salon, records, reporting
24 requirements, license renewal standards and procedures, and any
25 other related areas;

26 (5) Situations constituting a conflict of interest for
27 board members and procedures for dealing with such situations;

28 (6) Procedures for the conduct and grading of

1 examinations and performance standards for examinations;

2 (7) Minimum standards governing the licensure,
3 ~~relicensure~~ license renewal, discipline of licensees, license
4 reinstatement, and operation of cosmetic establishments including
5 type and amount of instruction provided to cosmeticians or
6 electrologists, safety and sanitary procedures and standards,
7 application, inspection, reporting requirements, license renewal
8 standards and procedures, and any other related areas;

9 (8) Minimum standards governing the registration,
10 expiration, discipline, and practice of cosmeticians, nail
11 technicians, electrologists, guest artists, nail technology
12 students, nail technology student instructors, students,
13 apprentices, student instructors, nail technology temporary
14 practitioners, and temporary practitioners, including application,
15 supervision, type of training received, locations of practice,
16 reporting requirements, grounds for discipline, and any other
17 related areas;

18 (9) Criteria and standards for the approval and
19 ~~classification of continuing education programs, including~~
20 ~~reviewers, material required of applicants, fees, qualifications of~~
21 ~~presenters, content of programs, verification of programs as~~
22 ~~approved, verification of hours as reported by licensees,~~
23 ~~application, nonattendance programs, exemptions, and any other~~
24 ~~related areas~~ Continuing competency requirements for persons
25 licensed under the Nebraska Cosmetology Act as approved by the
26 board under section 71-377;

27 (10) Criteria and standards to be used in the conduct of
28 inspections and procedures to be used in the conduct of inspections

1 and investigations, including rating systems, level of achievement
2 necessary to receive a passing grade, conduct of inspections and
3 investigations, and any other related areas;

4 (11) Minimum standards governing the granting, discipline
5 of, and renewal of home services permits, nail technology home
6 services permits, or home services permits for electrology and the
7 provision of home services; and

8 (12) Acts constituting unprofessional conduct on the part
9 of licensed and registered practitioners and licensed
10 establishments and nail technology establishments.

11 Sec. 48. Section 71-3,196, Revised Statutes Supplement,
12 2000, is amended to read:

13 71-3,196. (1) Each nail technician license or nail
14 technology instructor license issued under the Nebraska Cosmetology
15 Act shall expire and be subject to renewal every two years. All
16 nail technician and nail technology instructor licenses shall
17 expire and be subject to renewal on December 31 of each
18 odd-numbered year.

19 (2) At least thirty days before the expiration date, the
20 department shall notify each licensee by a letter addressed to the
21 licensee at the last address contained in the department's records.
22 Any licensee who fails to pay the renewal fee or file a complete
23 application for renewal on or before the date of expiration of the
24 license shall be given a second notice in the same manner, advising
25 him or her that:

26 (a) The renewal fee has not been received or the
27 application is incomplete;

28 (b) The license has expired;

1 (c) The department will suspend action for thirty days
2 following the date of expiration;

3 (d) If the fees are or a complete application is received
4 within such thirty-day period, no order of revocation will be
5 entered;

6 (e) If the inactive renewal fee is received within such
7 thirty-day period, the license will be placed on inactive status
8 and no order of revocation will be entered; and

9 (f) Upon failure to receive the fee or complete
10 application under either subdivision (d) or (e) of this subsection
11 within such thirty-day period, an order of revocation will be
12 entered.

13 (3) Any licensee who allows his or her license to expire
14 by failure to renew according to this section may petition the
15 department for reinstatement. Reinstatement may be granted upon
16 the recommendation of the board and upon receipt by the department
17 of a complete application for reinstatement accompanied by all
18 regular renewal fees and the late renewal fee.

19 (4) No license may be renewed or reinstated unless the
20 licensee ~~provides evidence of compliance with the continuing~~
21 ~~education provisions contained in section 71-3,197~~ completes
22 continuing competency activities as required by the board pursuant
23 to section 71-377.

24 Sec. 49. Section 71-3,197, Revised Statutes Supplement,
25 2000, is amended to read:

26 71-3,197. ~~On and after January 1, 2000, a~~ A licensed
27 nail technician or nail technology instructor shall not renew his
28 or her license to practice unless he or she has, ~~obtained,~~ within

1 the biennium immediately preceding the date of expiration of the
2 license, completed continuing competency activities as required by
3 the board pursuant to section 71-377. ~~the number of hours of~~
4 ~~approved continuing education required for his or her type of~~
5 ~~license as designated in the Nebraska Cosmetology Act and complied~~
6 ~~with all other requirements of the act.~~ Continuing education shall
7 be measured in terms of hours of participation in an approved
8 continuing education program, and each fifty minutes of
9 participation shall constitute one hour.

10 The number of hours of approved continuing education
11 required shall be as follows:

12 (1) For a license to practice nail technology, eight
13 hours, and

14 (2) For a license to practice as a nail technology
15 instructor, twelve hours.

16 Sec. 50. Section 71-3,198, Revised Statutes Supplement,
17 2000, is amended to read:

18 71-3,198. Each licensed nail technician and licensed
19 nail technology instructor shall submit with his or her application
20 for license renewal a signed and notarized affidavit affirming that
21 the licensee has obtained the required hours of continuing
22 education within the preceding biennium and listing the approved
23 programs in which the licensee participated in order to obtain such
24 hours. The board may require further evidence to substantiate the
25 licensee's statement at its discretion documentation of continuing
26 competency activities as required by the board pursuant to section
27 71-377. The board may biennially select, in a random manner, a
28 sample of the license renewal applications for audit of continuing

1 education credits, except that such information shall be requested
2 by the board within three years after the date on which the program
3 was held competency activities. Each licensee selected for audit
4 shall be required to produce documentation of his or her attendance
5 at the continuing education seminars competency activities listed
6 on his or her renewal application.

7 Sec. 51. Section 71-3,202, Revised Statutes Supplement,
8 2000, is amended to read:

9 71-3,202. Each nail technician and nail technology
10 instructor shall be responsible for maintaining the records of his
11 or her continuing education competency activities. Each provider
12 of an approved continuing education program shall maintain such
13 records as are necessary to establish the program's approval and
14 the persons who attended for a period of three years.

15 Sec. 52. Section 71-3,205, Revised Statutes Supplement,
16 2000, is amended to read:

17 71-3,205. A nail technician or nail technology
18 instructor who fails to earn the required number of continuing
19 education hours in a biennium, and who is not exempted from such
20 requirement by the Nebraska Cosmetology Act, complete continuing
21 competency activities as required by the board pursuant to section
22 71-377 may request that his or her license be placed on inactive
23 status upon its expiration. Such a request shall be granted upon
24 payment of the required fee. No person shall practice in any
25 manner under an inactive or revoked license. An inactive license
26 may be restored to active status at such time as the licensee so
27 petitions the department and presents evidence that he or she has
28 completed the number of approved continuing education hours

1 competency activities as required by the board. as follows:

2 (1) For a license inactive or revoked for less than two
3 years, the amount of continuing education hours required for
4 regular renewal;

5 (2) For a license inactive or revoked for at least two
6 years, but less than six years, two times the amount of continuing
7 education hours required for regular renewal;

8 (3) For a license inactive or revoked for at least six
9 years, but less than ten years, three times the amount of
10 continuing education hours required for regular renewal; and

11 (4) For a license inactive or revoked for ten years or
12 more, four times the amount of continuing education hours required
13 for regular renewal.

14 Hours of continuing education earned for the purpose of
15 restoring an inactive or revoked license shall not be counted
16 toward fulfillment of the renewal requirement for the next
17 biennium.

18 Sec. 53. Section 71-3,206, Revised Statutes Supplement,
19 2000, is amended to read:

20 71-3,206. The following classes of persons have a
21 limited exemption from the nail technology continuing education
22 competency requirements of the Nebraska Cosmetology Act established
23 by the board pursuant to section 71-377:

24 (1) Any licensee submitting proof that he or she was
25 suffering from a serious or disabling illness or disability that
26 prevented him or her from completing the continuing education
27 competency requirements shall be exempt for the biennium if, by the
28 renewal date, he or she is able to practice effectively and to

1 attend continuing ~~education seminars~~ competency activities. Any
2 licensee who remains unable to practice effectively at his or her
3 regularly scheduled renewal date shall be placed on inactive
4 status. A physician's statement shall be submitted in support of
5 any request for a continuing ~~education~~ competency exemption based
6 on an illness or disability;

7 (2) Any licensee submitting proof of service in the
8 regular armed forces of the United States during any part of the
9 immediately preceding biennium shall be exempt for that biennium;

10 (3) Any person receiving an initial nail technology
11 license in Nebraska during the second year of the biennium shall be
12 exempt for that biennium only;

13 (4) Any licensee submitting proof that he or she has not
14 lived in Nebraska at any time during the twenty-four months
15 immediately preceding the date of license renewal and who has not
16 provided nail technology services in Nebraska at any time during
17 such period shall be exempt for that biennium; and

18 (5) A nail technology instructor who meets the continuing
19 ~~education~~ competency requirements for the nail technology
20 instructor's license shall be exempt from meeting the continuing
21 ~~education~~ competency requirements for his or her nail technician
22 license for that biennium.

23 Sec. 54. Section 71-1326, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-1326. The department, upon recommendation of the
26 board, may adopt and promulgate such rules and regulations as may
27 be reasonable and proper for the purpose of carrying into effect
28 sections 71-1301 to ~~71-1306 and 71-1326 to~~ 71-1354, including rules

1 and regulations for licensure, license renewal, discipline of
2 licenses, and reinstatement of licenses.

3 Sec. 55. Section 71-1354, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-1354. The board shall establish continuing competency
6 requirements for persons licensed under sections 71-1301 to 71-1354
7 for adoption and promulgation by the department in rules and
8 regulations. Continuing education is sufficient to meet continuing
9 competency requirements. The requirements may also include, but
10 not be limited to, one or more of the continuing competency
11 activities listed in section 71-161.09 which a licensee may select
12 as an alternative to continuing education. Each licensee shall
13 submit, with his or her application for license renewal or
14 reinstatement, documentation that he or she has completed
15 continuing competency activities as required by the board. The
16 department shall not renew or reinstate a license to any person who
17 has failed to complete such requirements. The board shall adopt
18 ~~guidelines for the effective administration of sections 71-1347 to~~
19 ~~71-1353. The department shall adopt and promulgate such rules and~~
20 ~~regulations as are necessary for the effective administration of~~
21 ~~sections 71-1347 to 71-1353.~~

22 Sec. 56. Section 71-1718.02, Revised Statutes
23 Supplement, 2000, is amended to read:

24 71-1718.02. The Board of Advanced Practice Registered
25 Nurses shall:

26 (1) Establish standards for integrated practice
27 agreements between advanced practice registered nurses and
28 collaborating physicians;

1 (2) Monitor the scope of practice by advanced practice
2 registered nurses and advise the Board of Nursing in matters
3 pertaining to the scope of practice of advanced practice registered
4 nurses; and

5 (3) ~~Adopt, promulgate, and revise, with the approval of~~
6 ~~the department and the Board of Nursing, rules and regulations as~~
7 ~~may be necessary to carry~~ Approve rules and regulations with the
8 Board of Nursing to implement the Advanced Practice Registered
9 Nurse Act for adoption and promulgation by the department. ~~into~~
10 ~~effect.~~ Such rules and regulations shall include: (a) Approved
11 certification organizations and approved certification programs;
12 ~~continued competence~~ (b) continuing competency requirements. The
13 requirements may include, but not be limited to, continuing
14 education, continuing practice, national recertification, a reentry
15 program, peer review including patient outcomes, supervised
16 practice, examination, or other continuing competency activities
17 listed in section 71-161.09; (c) grounds for discipline; (d)
18 licensure, license renewal, and license reinstatement requirements;
19 (e) fees; (f) professional liability insurance; and (g) conflict of
20 interest for board members.

21 Sec. 57. Section 71-1722, Revised Statutes Supplement,
22 2000, is amended to read:

23 71-1722. Requirements for licensure as an advanced
24 practice registered nurse shall be the following:

25 (1) A license as a registered nurse in the State of
26 Nebraska;

27 (2) A completed application which includes the
28 applicant's social security number;

- 1 (3) A licensure fee;
- 2 (4) Evidence of having successfully completed an approved
- 3 advanced practice registered nurse program;
- 4 (5) Evidence of having successfully completed thirty
- 5 contact hours of education in pharmacotherapeutics;
- 6 (6) Submission of proof of having passed an examination
- 7 pertaining to the specific advanced practice registered nurse role
- 8 in nursing adopted or approved by the boards with the approval of
- 9 the department. Such examination may include any recognized
- 10 national credentialing examination for advanced practice registered
- 11 nurses conducted by an approved certifying body which administers
- 12 an approved certification program; and
- 13 (7) If more than five years have elapsed since the
- 14 completion of the advanced practice registered nurse program or
- 15 since the applicant has practiced in the specific advanced practice
- 16 registered nurse role, the applicant shall meet the requirements in
- 17 subdivisions (1) through (6) of this section and provide evidence
- 18 of continuing ~~clinical competence~~, competency as ~~may be determined~~
- 19 required by the boards, ~~by a means identified in section 71-1724.02~~
- 20 pursuant to section 71-1718.02.

21 Sec. 58. Section 71-1724, Revised Statutes Supplement,

22 2000, is amended to read:

23 71-1724. Renewal of a license as an advanced practice

24 registered nurse shall be at the same time and in the same manner

25 as renewal of a license as a registered nurse and shall require:

- 26 (1) A license as a registered nurse in the State of
- 27 Nebraska;
- 28 (2) Documentation of ~~continued clinical competence~~

1 ~~pursuant to section 71-1724.02~~ continuing competency upon
2 completion of continuing competency activities established by the
3 boards pursuant to section 71-1718.02;

4 (3) ~~Documentation of forty contact hours of continuing~~
5 ~~education in the clinical specialty area within the previous two~~
6 ~~years, ten hours of which shall be in pharmacotherapeutics. These~~
7 ~~continuing education hours shall fulfill the requirements of~~
8 ~~continuing education required for registered nurse renewal;~~

9 ~~(4)~~ Documentation of a minimum of two thousand eighty
10 hours of practice as an advanced practice registered nurse within
11 the five years immediately preceding renewal. These practice hours
12 shall fulfill the requirements of the practice hours required for
13 registered nurse renewal;

14 ~~(5)~~ (4) Proof of current certification in the specific
15 advanced practice clinical specialty area by an approved
16 certification program; and

17 ~~(6)~~ (5) Payment of a biennial ~~licensure~~ license renewal
18 fee.

19 Sec. 59. Section 71-1724.01, Revised Statutes
20 Supplement, 2000, is amended to read:

21 71-1724.01. The department may grant a temporary permit
22 as an advanced practice registered nurse upon application:

23 (1) To graduates of an approved advanced practice
24 registered nurse program pending results of the first credentialing
25 examination following graduation;

26 (2) For one hundred twenty days to advanced practice
27 registered nurses lawfully authorized to practice in another state
28 pending completion of the application for a Nebraska license; and

1 (3) To applicants for purposes of a reentry program or
2 supervised practice as ~~provided in subsection (2) of section~~
3 ~~71-1724.02~~ part of continuing competency activities established by
4 the boards pursuant to section 71-1718.02.

5 Sec. 60. Section 71-1724.02, Revised Statutes
6 Supplement, 2000, is amended to read:

7 71-1724.02. ~~(1) Continued competence~~ Continuing
8 competency requirements established by the boards pursuant to
9 section 71-1718.02 shall apply to:

10 ~~(a)~~ (1) A licensee seeking to renew an advanced practice
11 registered nurse license;

12 ~~(b)~~ (2) A licensee seeking to reinstate from lapsed
13 status an advanced practice registered nurse license;

14 ~~(c)~~ (3) An applicant for licensure as an advanced
15 practice registered nurse who has been authorized by another state
16 to practice in an advanced role; and

17 ~~(d)~~ (4) An applicant for licensure as an advanced
18 practice registered nurse who has not practiced in that role during
19 the five years immediately preceding application.

20 ~~(2) Continued competence may be demonstrated by~~
21 ~~continuing education, continuing practice, national~~
22 ~~recertification, a reentry program, peer review including patient~~
23 ~~care outcomes, supervised practice, or examination approved by the~~
24 ~~board.~~

25 Sec. 61. Section 71-1730, Revised Statutes Supplement,
26 2000, is amended to read:

27 71-1730. In order to obtain a certificate from the
28 department as a certified registered nurse anesthetist an applicant

1 shall:

2 (1) Hold a license as a registered nurse in the State of
3 Nebraska;

4 (2) Submit a completed application verified by oath which
5 includes the applicant's social security number;

6 (3) Pay a licensure fee not in excess of fifty dollars;

7 (4) Submit evidence of successful completion of a course
8 of study in anesthesia in a school of nurse anesthesia accredited
9 or approved by or under the auspices of the department or the
10 Council on Accreditation of Nurse Anesthesia and Educational
11 Programs; and

12 (5) Take and successfully pass a certifying examination
13 approved by the department after prior approval of such examination
14 by the Board of Nursing and Board of Medicine and Surgery. Such
15 examination may include (a) the National Qualifying Examination for
16 Certified Registered Nurse Anesthetists or (b) any other approved
17 recognized national qualifying examination for nurse anesthetists.

18 If more than five years have elapsed since the applicant
19 completed the nurse anesthetist program or since the applicant has
20 practiced as a nurse anesthetist, he or she shall meet the
21 requirements of subdivisions (1) through (5) of this section and
22 shall provide evidence of ~~continued competence by such means as~~
23 continuing competency as determined by the Board of Nursing and
24 Board of Medicine and Surgery determine, including, but not limited
25 to, a reentry program, supervised practice, ~~ex~~ examination, or one
26 or more of the continuing competency activities listed in section
27 71-161.09.

28 Sec. 62. Section 71-1735, Revised Statutes Supplement,

1 2000, is amended to read:

2 71-1735. (1) The procedure for biennial ~~recertification~~
3 certification renewal as a certified registered nurse anesthetist
4 shall be at the same time and in the same manner as renewal of a
5 license as a registered nurse and shall require:

6 (a) A license as a registered nurse in the State of
7 Nebraska;

8 (b) Documentation of ~~continued clinical competence, if~~
9 ~~deemed necessary by the Board of Nursing and Board of Medicine and~~
10 ~~Surgery, either by reference, peer review, or examination~~
11 continuing competency as required by the Board of Nursing and the
12 Board of Medicine and Surgery in rules and regulations approved by
13 the boards and adopted and promulgated by the department.
14 Continuing education is sufficient to meet continuing competency
15 requirements. The requirements may also include, but not be
16 limited to, one or more of the continuing competency activities
17 listed in section 71-161.09 which a person may select as an
18 alternative to continuing education; and

19 (c) Payment of a biennial ~~recertification~~ certification
20 renewal fee not in excess of thirty dollars.

21 (2) Violations of the Advanced Practice Registered Nurse
22 Act shall be dealt with in the manner prescribed in sections
23 71-1725, 71-1726, and 71-1737.

24 (3) All fees received pursuant to sections 71-1729 to
25 71-1737 shall be processed in the same manner as fees received
26 pursuant to the Nurse Practice Act.

27 Sec. 63. Section 71-1755, Revised Statutes Supplement,
28 2000, is amended to read:

1 71-1755. (1) An applicant for certification as a nurse
2 midwife shall submit to the boards a written application, which
3 includes the applicant's social security number, and such evidence
4 as the boards shall require showing that the applicant is currently
5 licensed as a registered nurse by the state, has successfully
6 completed an approved certified nurse midwifery education program,
7 and has passed a nationally recognized nurse midwifery examination
8 adopted by the boards.

9 (2) The department may, with the approval of the boards,
10 grant temporary certification as a nurse midwife upon application
11 (a) to graduates of an approved nurse midwifery program pending
12 results of the first certifying examination following graduation
13 and (b) for one hundred twenty days to nurse midwives currently
14 licensed in another state pending completion of the application for
15 Nebraska certification. A temporary permit issued pursuant to this
16 section may be extended for up to one year with the approval of the
17 boards.

18 (3) The boards shall adopt an examination to be used
19 pursuant to subsection (1) of this section.

20 (4) If more than five years have elapsed since the
21 completion of the nurse midwifery program or since the applicant
22 has practiced as a nurse midwife, the applicant shall meet the
23 requirements in subsection (1) of this section and provide evidence
24 of continuing ~~clinical competence~~ competency, as may be determined
25 by the boards, either by means of a reentry program, references,
26 supervised practice, ~~or~~ examination, or one or more of the
27 continuing competency activities listed in section 71-161.09.

28 (5) If an applicant for an initial certificate files an

1 application for certification within ninety days prior to the
2 biennial renewal date of the certificate, the applicant may either:

3 (a) Request that the department delay the processing of
4 the application and the issuance of the certificate until the
5 biennial renewal date and pay only the fee for the initial
6 certification; or

7 (b) Request that a certificate which will be valid until
8 the next subsequent renewal date be issued immediately and pay the
9 fee for initial certification and an additional fee of one-fourth
10 of the biennial fee.

11 Sec. 64. Section 71-1757, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-1757. (1) The certificate of each person certified
14 under the Nebraska Certified Nurse Midwifery Practice Act shall be
15 renewed at the same time and in the same manner as renewal of a
16 license for a registered nurse, except that no additional fee shall
17 be charged for late renewal. Renewal of such a certificate shall
18 require that (a) the applicant have a license as a registered
19 professional nurse issued by the state and (b) documentation of
20 ~~continued clinical competencies~~ continuing competency, if deemed
21 ~~necessary by the boards,~~ either by reference, peer review, ~~or~~
22 examination, or one or more of the continuing competency activities
23 listed in section 71-161.09, as established by the boards in rules
24 and regulations approved by the boards and adopted and promulgated
25 by the department.

26 (2) The department shall collect fees as follows:

27 (a) Application for certification, not in excess of fifty
28 dollars; and

1 (b) Certificate renewal, not in excess of twenty dollars
2 annually or forty dollars biennially.

3 (3) The department may also establish and collect fees
4 for:

5 (a) Reexamination;

6 (b) Applications for temporary permits; and

7 (c) Applications for reinstatement after revocation,
8 suspension, or expiration of certification.

9 Sec. 65. Section 71-1779, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-1779. Certificates for licensed practical
12 nurses-certified shall be renewed as provided for licenses for
13 licensed practical nurses in section 71-1,132.20. To obtain
14 renewal of a certificate, a licensed practical nurse-certified
15 shall complete ~~five hours of continuing education courses approved~~
16 ~~by the board and submit proof of such in the manner provided by~~
17 ~~section~~ continuing competency activities as required by the board
18 under section 71-1788 and provide documentation of such activities
19 as provided in section 71-161.10. Such continuing ~~education~~
20 ~~courses~~ competency activities shall relate to intravenous therapy
21 or nasogastric tube insertion and may be included in the continuing
22 ~~education~~ competency activities required under the Nurse Practice
23 Act for renewal of a license as a licensed practical nurse.

24 Sec. 66. Section 71-1782, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-1782. (1) The department may deny, refuse renewal of,
27 revoke, suspend, or otherwise take disciplinary measures against a
28 certificate to practice as a licensed practical nurse-certified

1 upon the grounds provided in sections 71-147 to 71-161.19 or for
2 violation of the Licensed Practical Nurse-Certified Act or the
3 rules and regulations adopted and promulgated under the act in the
4 manner provided in such sections. The department with the ~~advice~~
5 approval of the board shall adopt and promulgate rules and
6 regulations governing the procedures for denial of renewal of the
7 certificate for failure to meet the continuing ~~education~~ competency
8 requirements.

9 (2) Any person practicing as a licensed practical
10 nurse-certified who is not certified as such by the department and
11 who possesses a current license to engage in any health profession
12 for which a license is issued by the department may have such
13 license denied, refused renewal, suspended, or revoked or have
14 other disciplinary action taken against him or her by the
15 department pursuant to the provisions of the Uniform Licensing Law
16 relating to such profession.

17 (3) Any person who violates the Licensed Practical
18 Nurse-Certified Act may have his or her license to practice as a
19 licensed practical nurse denied, refused renewal, suspended, or
20 revoked or have other disciplinary action taken against him or her
21 by the department pursuant to the provisions of the Uniform
22 Licensing Law.

23 Sec. 67. Section 71-1788, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-1788. The ~~board~~ department with the approval of the
26 ~~department~~ board shall adopt and promulgate rules and regulations
27 to carry out the Licensed Practical Nurse-Certified Act. The board
28 shall:

- 1 (1) Approve an examination;
- 2 (2) Establish the passing score for the examination;
- 3 (3) Establish procedures for examination security; ~~and~~
- 4 (4) Establish the number of times the applicant may fail
- 5 the examination before he or she must retake the certification
- 6 course; and
- 7 (5) Establish continuing competency requirements for
- 8 persons licensed under the act for adoption and promulgation by the
- 9 department. Continuing education is sufficient to meet continuing
- 10 competency requirements. The requirements may also include, but
- 11 not be limited to, one or more of the continuing competency
- 12 activities listed in section 71-161.09 which a licensed person may
- 13 select as an alternative to continuing education.

14 Sec. 68. Section 71-2802, Revised Statutes Supplement,

15 2001, is amended to read:

16 71-2802. Sections 71-2801 to 71-2823 do not include the

17 following classes of persons:

- 18 (1) Licensed physicians and surgeons, chiropodists,
- 19 dentists, chiropractors, osteopathic physicians, or massage
- 20 therapists, who are exclusively engaged in the practice of their
- 21 respective professions;
- 22 (2) Physicians and surgeons of the United States Army,
- 23 Navy, or Public Health Service when acting in the line of duty in
- 24 this state;
- 25 (3) Physical therapists or physical therapist assistants
- 26 licensed or certified in another jurisdiction who are participating
- 27 in continuing ~~educational programs~~ competency activities; or
- 28 (4) Students performing physical therapy services within

1 the scope of an approved educational program and under the
2 supervision of a licensed physical therapist.

3 Sec. 69. Section 71-2815, Revised Statutes Supplement,
4 2001, is amended to read:

5 71-2815. (1) The department, with the concurrence of the
6 board, shall approve an application by a licensed physical
7 therapist to supervise a physical therapist assistant when the
8 proposed assistant is a graduate of an approved program. All
9 physical therapist assistant applicants shall also successfully
10 pass the written and practical examinations adopted by the board,
11 with the concurrence of the department.

12 (2) The board shall grant any practicing physical
13 therapist a certificate of approval to supervise not more than two
14 physical therapist assistants. The department may certify as a
15 physical therapist assistant and furnish a certificate to any
16 person not qualified under subsection (1) of this section if such
17 person can furnish written evidence to the board that he or she has
18 been employed in the State of Nebraska for three years within the
19 last five years under the supervision of a physical therapist
20 licensed in Nebraska and such person possesses knowledge and
21 training or a combination of knowledge and training equivalent to
22 that obtained in an approved school. The board may certify persons
23 as physical therapist assistants under this section for eighteen
24 months only after August 24, 1979. On and after November 1, 2001,
25 a certificate issued under this section shall be in effect for two
26 years from the date of issuance. ~~and shall be renewable upon~~
27 ~~presentation to the board of evidence of completion of the~~
28 ~~continuing education requirements set out in section 71-2823 and~~

1 ~~payment of the renewal fee provided in section 71-2819.~~

2 (3) If the supervision of a physical therapist assistant
3 is terminated by a physical therapist or by a physical therapist
4 assistant, the physical therapist shall notify the department of
5 such termination. A physical therapist who thereafter assumes the
6 responsibility for such supervision shall obtain a certificate of
7 approval to supervise a physical therapist assistant from the
8 department prior to the use of the physical therapist assistant in
9 the practice of physical therapy.

10 Sec. 70. Section 71-2823, Revised Statutes Supplement,
11 2001, is amended to read:

12 71-2823. (1) Every physical therapist who has an active
13 license shall, on or before November 1, 2003, and on or before
14 November 1 of every odd-numbered year thereafter, complete ~~twenty~~
15 ~~hours of continuing education~~ continuing competency activities as
16 required by the board pursuant to section 71-161.09 as a
17 prerequisite for his or her next subsequent license renewal. ~~Such~~
18 ~~continuing education shall consist of such approved scientific~~
19 ~~schools, clinic, forums, lectures, or physical therapy educational~~
20 ~~seminars as may be announced and approved by the Board of Physical~~
21 ~~Therapy pursuant to the Uniform Licensing Law.~~

22 (2) Every physical therapist assistant who has an active
23 certificate shall, on or before November 1, 2003, and on or before
24 November 1 of every odd-numbered year thereafter, complete ~~ten~~
25 ~~hours of continuing education~~ continuing competency activities as
26 required by the board pursuant to section 71-161.09 as a
27 prerequisite for his or her next subsequent license renewal. ~~Such~~
28 ~~continuing education shall consist of such approved scientific~~

1 ~~schools, clinics, forums, lectures, or physical therapy educational~~
2 ~~seminars as may be announced and approved by the board pursuant to~~
3 ~~the Uniform Licensing Law.~~

4 Sec. 71. Section 71-3503, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-3503. For purposes of the Radiation Control Act,
7 unless the context otherwise requires:

8 (1) Radiation means ionizing radiation and nonionizing
9 radiation as follows:

10 (a) Ionizing radiation means gamma rays, X-rays, alpha
11 and beta particles, high-speed electrons, neutrons, protons, and
12 other atomic or nuclear particles or rays but does not include
13 sound or radio waves or visible, infrared, or ultraviolet light;
14 and

15 (b) Nonionizing radiation means (i) any electromagnetic
16 radiation which can be generated during the operations of
17 electronic products to such energy density levels as to present a
18 biological hazard to occupational and public health and safety and
19 the environment, other than ionizing electromagnetic radiation, and
20 (ii) any sonic, ultrasonic, or infrasonic waves which are emitted
21 from an electronic product as a result of the operation of an
22 electronic circuit in such product and to such energy density
23 levels as to present a biological hazard to occupational and public
24 health and safety and the environment;

25 (2) Radioactive material means any material, whether
26 solid, liquid, or gas, which emits ionizing radiation
27 spontaneously. Radioactive material includes, but is not limited
28 to, accelerator-produced material, byproduct material, naturally

1 occurring material, source material, and special nuclear material;

2 (3) Radiation-generating equipment means any manufactured
3 product or device, component part of such a product or device, or
4 machine or system which during operation can generate or emit
5 radiation except devices which emit radiation only from radioactive
6 material;

7 (4) Sources of radiation means any radioactive material,
8 any radiation-generating equipment, or any device or equipment
9 emitting or capable of emitting radiation or radioactive material;

10 (5) Undesirable radiation means radiation in such
11 quantity and under such circumstances as determined from time to
12 time by rules and regulations adopted and promulgated by the
13 department;

14 (6) Person means any individual, corporation,
15 partnership, limited liability company, firm, association, trust,
16 estate, public or private institution, group, agency, political
17 subdivision of this state, any other state or political subdivision
18 or agency thereof, and any legal successor, representative, agent,
19 or agency of the foregoing;

20 (7) Registration means registration with the department
21 pursuant to the Radiation Control Act;

22 (8) Department means the Department of Health and Human
23 Services Regulation and Licensure;

24 (9) Coordinator means the Director of Regulation and
25 Licensure;

26 (10) Council means the radiation advisory council
27 provided for in section 71-3506;

28 (11) Electronic product means any manufactured product,

1 device, assembly, or assemblies of such products or devices which,
2 during operation in an electronic circuit, can generate or emit a
3 physical field of radiation;

4 (12) License means:

5 (a) A general license issued pursuant to rules and
6 regulations adopted and promulgated by the department without the
7 filing of an application with the department or the issuance of
8 licensing documents to particular persons to transfer, acquire,
9 own, possess, or use quantities of or devices or equipment
10 utilizing radioactive materials;

11 (b) A specific license, issued to a named person upon
12 application filed with the department pursuant to the Radiation
13 Control Act and rules and regulations adopted and promulgated
14 pursuant to the act, to use, manufacture, produce, transfer,
15 receive, acquire, own, or possess quantities of or devices or
16 equipment utilizing radioactive materials;

17 (c) A license issued to a radon measurement specialist,
18 radon measurement technician, radon mitigation specialist, radon
19 mitigation technician, radon measurement business, or radon
20 mitigation business; or

21 (d) A license issued to a medical radiographer or limited
22 radiographer;

23 (13) Byproduct material means:

24 (a) Any radioactive material, except special nuclear
25 material, yielded in or made radioactive by exposure to the
26 radiation incident to the process of producing or utilizing special
27 nuclear material; and

28 (b) The tailings or wastes produced by the extraction or

1 concentration of uranium or thorium from any ore processed
2 primarily for its source material content, including discrete
3 surface wastes resulting from uranium or thorium solution
4 extraction processes. Underground ore bodies depleted by such
5 solution extraction operations do not constitute byproduct
6 material;

7 (14) Source material means:

8 (a) Uranium or thorium or any combination thereof in any
9 physical or chemical form; or

10 (b) Ores which contain by weight one-twentieth of one
11 percent or more of uranium, thorium, or any combination thereof.
12 Source material does not include special nuclear material;

13 (15) Special nuclear material means:

14 (a) Plutonium, uranium 233, or uranium enriched in the
15 isotope 233 or in the isotope 235 and any other material that the
16 United States Nuclear Regulatory Commission pursuant to the
17 provisions of section 51 of the federal Atomic Energy Act of 1954,
18 as amended, determines to be special nuclear material but does not
19 include source material; or

20 (b) Any material artificially enriched by any material
21 listed in subdivision (15) (a) of this section but does not include
22 source material;

23 (16) Users of sources of radiation means:

24 (a) Physicians using radioactive material or
25 radiation-generating equipment for human use;

26 (b) Natural persons using radioactive material or
27 radiation-generating equipment for education, research, or
28 development purposes;

1 (c) Natural persons using radioactive material or
2 radiation-generating equipment for manufacture or distribution
3 purposes;

4 (d) Natural persons using radioactive material or
5 radiation-generating equipment for industrial purposes; and

6 (e) Natural persons using radioactive material or
7 radiation-generating equipment for any other similar purpose;

8 (17) Civil penalty means any monetary penalty levied on a
9 licensee or registrant because of violations of statutes, rules,
10 regulations, licenses, or registration certificates but does not
11 include criminal penalties;

12 (18) Closure means all activities performed at a waste
13 handling, processing, management, or disposal site, such as
14 stabilization and contouring, to assure that the site is in a
15 stable condition so that only minor custodial care, surveillance,
16 and monitoring are necessary at the site following termination of
17 licensed operation;

18 (19) Decommissioning means final operational activities
19 at a facility to dismantle site structures, to decontaminate site
20 surfaces and remaining structures, to stabilize and contain
21 residual radioactive material, and to carry out any other
22 activities to prepare the site for postoperational care;

23 (20) Disposal means the permanent isolation of low-level
24 radioactive waste pursuant to the Radiation Control Act and rules
25 and regulations adopted and promulgated pursuant to such act;

26 (21) Generate means to produce low-level radioactive
27 waste when used in relation to low-level radioactive waste;

28 (22) High-level radioactive waste means:

1 (a) Irradiated reactor fuel;

2 (b) Liquid wastes resulting from the operation of the
3 first cycle solvent extraction system or equivalent and the
4 concentrated wastes from subsequent extraction cycles or the
5 equivalent in a facility for reprocessing irradiated reactor fuel;
6 and

7 (c) Solids into which such liquid wastes have been
8 converted;

9 (23) Low-level radioactive waste means radioactive waste
10 not defined as high-level radioactive waste, spent nuclear fuel, or
11 byproduct material as defined in subdivision (13)(b) of this
12 section;

13 (24) Management of low-level radioactive waste means the
14 handling, processing, storage, reduction in volume, disposal, or
15 isolation of such waste from the biosphere in any manner, except
16 the commercial disposal of low-level radioactive waste in a
17 disposal facility, designated by the Central Interstate Low-Level
18 Radioactive Waste Compact Commission;

19 (25) Source material mill tailings or mill tailings means
20 the tailings or wastes produced by the extraction or concentration
21 of uranium or thorium from any ore processed primarily for its
22 source material content, including discrete surface wastes
23 resulting from underground solution extraction processes, but not
24 including underground ore bodies depleted by such solution
25 extraction processes;

26 (26) Source material milling means any processing of ore,
27 including underground solution extraction of unmined ore, primarily
28 for the purpose of extracting or concentrating uranium or thorium

1 therefrom and which results in the production of source material
2 and source material mill tailings;

3 (27) Spent nuclear fuel means irradiated nuclear fuel
4 that has undergone at least one year of decay since being used as a
5 source of energy in a power reactor. Spent nuclear fuel includes
6 the special nuclear material, byproduct material, source material,
7 and other radioactive material associated with fuel assemblies;

8 (28) Transuranic waste means radioactive waste containing
9 alpha-emitting transuranic elements, with radioactive half-lives
10 greater than five years, in excess of one hundred nanocuries per
11 gram;

12 (29) Licensed practitioner means a person licensed to
13 practice medicine, dentistry, podiatry, chiropractic, osteopathic
14 medicine and surgery, or as an osteopathic physician;

15 (30) X-ray system means an assemblage of components for
16 the controlled production of X-rays, including, but not limited to,
17 an X-ray high-voltage generator, an X-ray control, a tube housing
18 assembly, a beam-limiting device, and the necessary supporting
19 structures. Additional components which function with the system
20 are considered integral parts of the system;

21 (31) Limited radiographer means a person licensed to
22 practice medical radiography pursuant to subsection (2) of section
23 71-3515.01. Limited radiographer does not include a person
24 certified under section 71-176.01;

25 (32) Medical radiographer means a person licensed to
26 practice medical radiography pursuant to subsection (1) of section
27 71-3515.01;

28 (33) Medical radiography means the application of

1 radiation to humans for diagnostic purposes, including, but not
2 limited to, adjustment or manipulation of X-ray systems and
3 accessories including image receptors, positioning of patients,
4 processing of films, and any other action that materially affects
5 the radiation dose to patients; ~~and~~

6 (34) Licensed facility operator means any person or
7 entity who has obtained a license under the Low-Level Radioactive
8 Waste Disposal Act to operate a facility, including any person or
9 entity to whom an assignment of a license is approved by the
10 Department of Environmental Quality; and

11 (35) Deliberate misconduct means an intentional act or
12 omission by a person that (a) would intentionally cause a licensee,
13 registrant, or applicant for a license or registration to be in
14 violation of any rule, regulation, or order of or any term,
15 condition, or limitation of any license or registration issued by
16 the department under the Radiation Control Act or (b) constitutes
17 an intentional violation of a requirement, procedure, instruction,
18 contract, purchase order, or policy under the Radiation Control Act
19 by a licensee, a registrant, an applicant for a license or
20 registration, or a contractor or subcontractor of a licensee,
21 registrant, or applicant for a license or registration.

22 Sec. 72. Section 71-3507, Revised Statutes Supplement,
23 2000, is amended to read:

24 71-3507. (1) The department shall adopt and promulgate
25 rules and regulations for the issuance, amendment, suspension, and
26 revocation of general and specific licenses. Such licenses shall
27 be for byproduct material, source material, special nuclear
28 material, and radioactive material not under the authority of the

1 federal Nuclear Regulatory Commission and for devices or equipment
2 utilizing such materials. The rules and regulations shall provide:

3 (a) For written applications for a specific license which
4 include the technical, financial, and other qualifications
5 determined by the department to be reasonable and necessary to
6 protect occupational and public health and safety and the
7 environment;

8 (b) For additional written statements and inspections, as
9 required by the department, at any time after filing an application
10 for a specific license and before the expiration of the license to
11 determine whether the license should be issued, amended, suspended,
12 or revoked;

13 (c) That all applications and statements be signed by the
14 applicant or licensee;

15 (d) The form, terms, and conditions of general and
16 specific licenses;

17 (e) That no license or right to possess or utilize
18 sources of radiation granted by a license shall be assigned or in
19 any manner disposed of without the written consent of the
20 department; and

21 (f) That the terms and conditions of all licenses are
22 subject to amendment by rules, regulations, or orders issued by the
23 department.

24 (2) The department may require registration or licensing
25 of radioactive material not enumerated in subsection (1) of this
26 section in order to maintain compatibility and equivalency with the
27 standards and regulatory programs of the federal government or to
28 protect the occupational and public health and safety and the

1 environment.

2 (3) The department shall require licensure of persons
3 providing measurement and mitigation services of radon or its decay
4 products in order to protect the occupational and public health and
5 safety and the environment. The department shall adopt and
6 promulgate rules and regulations establishing education,
7 experience, training, ~~and~~ examination, and continuing competency
8 requirements for radon measurement specialists, radon measurement
9 technicians, radon mitigation specialists, and radon mitigation
10 technicians. Continuing competency requirements may include, but
11 not be limited to, one or more of the continuing competency
12 activities listed in section 71-161.09. The department shall adopt
13 and promulgate rules and regulations establishing staffing,
14 proficiency, quality control, reporting, worker health and safety,
15 equipment, and record-keeping requirements for radon measurement
16 businesses and radon mitigation businesses and mitigation system
17 installation requirements for radon mitigation businesses.

18 (4) The department shall license persons practicing
19 medical radiography, including medical radiographers and limited
20 radiographers, in order to protect the occupational and public
21 health and safety and the environment. The licenses shall be
22 ~~renewable~~ renewed biennially. For medical radiographers and
23 limited radiographers, the department shall adopt and promulgate
24 rules and regulations establishing examination requirements for
25 licensure, continuing ~~education~~ competency requirements for renewal
26 of a license, and approval requirements for examinations.
27 Continuing education is sufficient to meet continuing competency
28 requirements. Continuing competency requirements may also include,

1 but not be limited to, one or more of the continuing competency
2 activities listed in section 71-161.09 which a licensed person may
3 select as an alternative to continuing education. For medical
4 radiographers, the department shall adopt and promulgate rules and
5 regulations establishing requirements for education and training
6 and for approval of courses of training. Persons authorized under
7 sections 71-193.15 and 71-193.17 to practice as dental hygienists
8 and dental assistants who meet the requirements of section
9 71-193.13 shall not be required to be licensed under this section.

10 (5) The department may exempt certain sources of
11 radiation or kinds of uses or users from licensing or registration
12 requirements established under the Radiation Control Act when the
13 department finds that the exemption will not constitute a
14 significant risk to occupational and public health and safety and
15 the environment.

16 (6) The department may provide by rule and regulation for
17 the recognition of other state or federal licenses compatible and
18 equivalent with the standards established by the department for
19 Nebraska licensees.

20 (7) The department may accept accreditation for an
21 industrial radiographer by a recognized independent accreditation
22 body, a public agency, or the federal Nuclear Regulatory
23 Commission, which has standards that are at least as stringent as
24 those of the State of Nebraska, as evidence that the industrial
25 radiographer complies with the rules and regulations adopted and
26 promulgated pursuant to the act. The department may adopt and
27 promulgate rules and regulations which list accreditation bodies,
28 public agencies, and federal programs that meet this standard.

1 (8) The department may enter at all reasonable times upon
2 any private or public property for the purpose of determining
3 whether or not there is compliance with the act and rules and
4 regulations adopted and promulgated pursuant to the act, except
5 that entry into areas under the jurisdiction of the federal
6 government shall be effected only with the concurrence of the
7 federal government or its duly designated representative.

8 (9) The department shall cause to be registered with the
9 department such sources of radiation as the department determines
10 to be reasonably necessary to protect occupational and public
11 health and safety and the environment as follows:

12 (a) The department shall, by public notice, establish a
13 date on or before which date such sources of radiation shall be
14 registered with the department, and the department shall provide
15 appropriate forms for such registration. Each application for
16 registration shall be in writing and shall state such information
17 as the department by rules or regulations may determine to be
18 necessary and reasonable to protect occupational and public health
19 and safety and the environment;

20 (b) Registration of sources of radiation shall be an
21 initial registration with appropriate notification to the
22 department in the case of alteration of equipment, acquisition of
23 new sources of radiation, or the transfer, loss, or destruction of
24 sources of radiation and shall include the registration of persons
25 installing or servicing sources of radiation;

26 (c) Failure to register or reregister sources of
27 radiation in accordance with rules and regulations adopted and
28 promulgated by the department shall be subject to a fine of not

1 less than fifty dollars nor more than two hundred dollars; and

2 (d) The department may provide by rule and regulation for
3 reregistration of sources of radiation.

4 (10) The results of any surveys or inspections of sources
5 of radiation conducted by the department shall be public records
6 subject to sections 84-712 to 84-712.09. In addition, the
7 following information shall be deemed confidential:

8 (a) The names of individuals in dosimetry reports;

9 (b) Emergency response procedures which would present a
10 clear threat to security or disclose names of individuals; and

11 (c) Any other information that is likely to present a
12 clear threat to the security of radioactive material. The
13 department shall make such reports of results of surveys or
14 inspections available to the owner or operator of the source of
15 radiation together with any recommendations of the department
16 regarding deficiencies noted.

17 (11) The department shall have the right to survey or
18 inspect again any source of radiation previously surveyed without
19 limitation of the number of surveys or inspections conducted on a
20 given source of radiation.

21 (12) The department may enter into contracts with persons
22 or corporations to perform the inspection of X-ray
23 radiation-generating equipment or devices which emit radiation from
24 radioactive materials and to aid the department in the
25 administration of the act.

26 Sec. 73. Section 71-3508.03, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 71-3508.03. (1) The department shall establish by rule

1 and regulation annual fees for the radioactive materials licenses,
2 for inspections of radioactive materials, for the registration and
3 inspection of radiation-generating equipment and other sources of
4 radiation, and for radon measurement and mitigation licenses and
5 inspections of radon mitigation systems installations under the
6 Radiation Control Act. The annual fee for registration and
7 inspection of X-ray radiation generating equipment used to diagnose
8 conditions in humans or animals shall not exceed seventy dollars
9 per X-ray machine. The department shall also establish by rule and
10 regulation additional fees for environmental surveillance
11 activities performed by the department to assess the radiological
12 impact of activities conducted by licensees and registrants. Such
13 activities shall not duplicate surveillance programs approved by
14 the federal Nuclear Regulatory Commission and conducted by entities
15 licensed by such commission. ~~7 except that the annual fee for~~
16 ~~registration and inspection of X-ray radiation-generating equipment~~
17 ~~shall not exceed seventy dollars per X-ray machine. In determining~~
18 ~~such fees, the department shall, as an objective, obtain sufficient~~
19 ~~funds from the fees to pay for a portion of the direct and indirect~~
20 ~~costs of administering the act without loss or reduction of the~~
21 ~~General Fund allocation to the department. No fee shall exceed the~~
22 ~~actual cost to the department for licensure, inspection, or~~
23 ~~registration administering the act. The department may also~~
24 ~~contract with a registrant, a licensee, another state, or a federal~~
25 ~~agency to partially or fully recover the cost of administering the~~
26 ~~act. The fees collected shall be deposited in~~ remitted to the
27 State Treasurer for credit to the Department of Health and Human
28 Services Regulation and Licensure Cash Fund and shall be used

1 solely for the purpose of defraying the direct and indirect costs
2 of administering the act. The department shall collect such fees.
3 ~~The cost of environmental surveillance activities performed by the~~
4 ~~department to assess the radiological impact of activities~~
5 ~~conducted by licensees and registrants shall be in addition to the~~
6 ~~annual fees.~~

7 (2) The department may, upon application by an interested
8 person or on its own initiative, grant such exemptions from the
9 requirements of this section as it determines are in the public
10 interest. Applications for exemption under this subsection may
11 include, but shall not be limited to, the use of licensed materials
12 for educational or noncommercial displays or scientific
13 collections.

14 (3) When a registrant or licensee fails to pay the
15 applicable fee, the department may suspend or revoke the
16 registration or license or may issue an appropriate order.

17 Sec. 74. (1) Any licensee, registrant, applicant for a
18 license or registration, employee of a licensee or registrant,
19 contractor or subcontractor of a licensee, registrant, or applicant
20 for a license or registration, or employee of any contractor or
21 subcontractor of a licensee, registrant, or applicant for a license
22 or registration, who knowingly provides to any licensee,
23 registrant, applicant, contractor, or subcontractor any components,
24 equipment, materials, or other goods or services that relate to a
25 licensee's, registrant's, or applicant's activities covered by the
26 Radiation Control Act, shall not (a) engage in deliberate
27 misconduct that causes or would have caused, if not detected, a
28 licensee, registrant, or applicant to be in violation of any rule,

1 regulation, or order or any term, condition, or limitation of any
2 license or registration issued by the department or (b)
3 intentionally submit to the department, a licensee, a registrant,
4 an applicant, or a licensee's, registrant's, or applicant's
5 contractor or subcontractor, information that the person submitting
6 the information knows to be incomplete or inaccurate in some
7 respect material to the department.

8 (2) Any person who violates this section is subject to
9 section 71-3517.

10 Sec. 75. Section 71-3515.01, Revised Statutes
11 Supplement, 2000, is amended to read:

12 71-3515.01. (1) A person licensed as a medical
13 radiographer by the department may practice medical radiography on
14 any part of the human anatomy for interpretation by and under the
15 direction of a licensed practitioner, excluding interpretative
16 fluoroscopic procedures. Such person shall:

17 (a) Prior to issuance of a license as a medical
18 radiographer, (i) complete an educational program in radiography
19 incorporating the course material as provided in the rules and
20 regulations of the department pursuant to subsection (1) of section
21 71-3515.02 and (ii) complete an application which includes such
22 person's social security number and successfully complete an
23 examination approved by the department on the course material.
24 Presentation of proof of registration in radiography with the
25 American Registry of Radiologic Technologists is proof of meeting
26 the requirements of this subdivision (a) of this subsection; and

27 (b) Prior to renewal of licensure as a medical
28 radiographer, have an average of twelve units of continuing

1 education per year as approved by the department or complete
2 continuing competency activities as required by the department
3 pursuant to section 71-3507.

4 Presentation of proof of current registration in
5 radiography with the American Registry of Radiologic Technologists
6 is proof of meeting the requirements of subdivisions (a) and (b) of
7 this subsection.

8 (2) A person licensed as a limited radiographer by the
9 department may practice medical radiography on limited regions of
10 the human anatomy, using only routine radiographic procedures, for
11 the interpretation by and under the direction of a licensed
12 practitioner, excluding computed tomography, the use of contrast
13 media, and the use of fluoroscopic or mammographic equipment. Such
14 person shall:

15 (a) Prior to issuance of a license as a limited
16 radiographer, complete an application which includes the
17 applicant's social security number and successfully complete an
18 examination approved by the department, as described in subdivision
19 (2)(a) of section 71-3515.02 and at least one of the anatomical
20 regions listed in subdivision (2)(b) of such section. The license
21 issued shall be specific to the anatomical region or regions for
22 which the applicant has passed an approved examination, except that
23 an applicant may be licensed in the anatomical region of Abdomen
24 upon successful passage of the examinations described in
25 subdivisions (2)(a) and (2)(b)(iv) of section 71-3515.02 and upon a
26 finding by the department that continued provision of service for a
27 community would be in jeopardy; and

28 (b) Prior to renewal of licensure as a limited

1 radiographer, have an average of twelve units of continuing
2 education per year as approved by the department or complete
3 continuing competency activities as required by the department
4 pursuant to section 71-3507.

5 (3) The requirements of this section do not apply to a
6 student while enrolled and participating in an educational program
7 in medical radiography who, as a part of an educational program,
8 applies X-rays to humans while under the supervision of the
9 licensed practitioners or medical radiographers associated with the
10 educational program. Students who have completed at least twelve
11 months of the training course described in subsection (1) of
12 section 71-3515.02 may apply for licensure as a temporary medical
13 radiographer. Temporary medical radiographer licenses shall expire
14 eighteen months after issuance and shall not be renewed. Persons
15 licensed as temporary medical radiographers shall be permitted to
16 perform the duties of a limited radiographer licensed in all
17 anatomical regions of subdivision (2)(b) of such section and
18 Abdomen.

19 Sec. 76. Section 71-3515.02, Revised Statutes
20 Supplement, 2000, is amended to read:

21 71-3515.02. (1) The educational program for medical
22 radiographers shall consist of twenty-four months of instruction in
23 radiography approved by the department which includes, but is not
24 limited to, radiographic procedures, imaging equipment, image
25 production and evaluation, film processing, radiation physics,
26 radiation protection, radiation biology, radiographic pathology,
27 and quality assurance activities. The department shall recognize
28 equivalent courses of instruction successfully completed by

1 individuals who are applying for licensure as medical radiographers
2 by the department when determining if the requirements of section
3 71-3515.01 have been met.

4 (2) The examination for limited radiographers shall
5 include, but not be limited to:

6 (a) Radiation protection, equipment maintenance and
7 operation, image production and evaluation, and patient care and
8 management; and

9 (b) The anatomy of, and positioning for, specific regions
10 of the human anatomy. The anatomical regions shall include at
11 least one of the following:

12 (i) Chest;

13 (ii) Extremities;

14 (iii) Skull and sinus;

15 (iv) Spine; or

16 (v) Ankle and foot.

17 (3) The department shall adopt and promulgate rules and
18 regulations regarding the examinations required in subdivisions
19 (1)(a)(ii) and (2)(a) of section 71-3515.01. Such rules and
20 regulations shall provide for (a) the administration of
21 examinations based upon national standards, such as the Examination
22 in Radiography from the American Registry of Radiologic
23 Technologists for medical radiographers, the Examination for the
24 Limited Scope of Practice in Radiography from the American Registry
25 of Radiologic Technologists for limited radiographers, or
26 equivalent examinations that, as determined by the department, meet
27 the standards for educational and psychological testing as
28 recommended by the American Psychological Association, the American

1 Educational Research Association, and the National Council on
2 Measurement in Education, (b) procedures to be followed for
3 examinations, (c) the method of grading and the passing grades for
4 such examinations, (d) security protection for questions and
5 answers, and (e) for medical radiographers, the contents of such
6 examination based on the course requirements for medical
7 radiographers prescribed in subsection (1) of this section. Any
8 costs incurred in determining the extent to which examinations meet
9 the examining standards of this subsection shall be paid by the
10 individual or organization proposing the use of such examination.

11 (4) Any person employed in medical radiography before and
12 on June 2, 1995, who is not otherwise licensed may apply for a
13 license as a provisional limited radiographer before January 1,
14 1996. A person licensed as a provisional limited radiographer may
15 perform the duties of a limited radiographer licensed in all
16 anatomical regions listed in subdivision (2)(b) of this section and
17 the anatomical region of Abdomen. A provisional limited
18 radiographer shall not radiograph children under the age of six
19 months, except (a) upon a finding by the department that continued
20 provision of service for a community would be in jeopardy if this
21 provision is enforced, (b) for an employee of a hospital licensed
22 and in good standing under Chapter 71 and located in a rural area
23 as defined in section 71-5653, or (c) in a bona fide emergency
24 situation. No examination shall be required of individuals
25 applying for a license as a provisional limited radiographer. All
26 provisional limited radiographer licenses expire January 1, 2005.
27 A license as a provisional limited radiographer is subject to
28 discipline for violations of the Radiation Control Act and rules

1 and regulations adopted pursuant to the act, including, but not
2 limited to, revocation for nonpayment of fees or failure to meet
3 continuing ~~education requirements of subdivision (2)(b) of section~~
4 ~~71-3515.01~~ competency requirements as required by the department
5 pursuant to section 71-3507.

6 (5) No applicant for a license as a limited radiographer
7 may take the examination for licensure, or for licensure for any
8 specific anatomical region, more than three times without first
9 waiting a period of one year after the last unsuccessful attempt of
10 the examination and submitting proof to the department of
11 completion of ~~twelve units of continuing education meeting the~~
12 ~~requirements of subdivision (2)(b) of section 71-3515.01~~ continuing
13 competency activities as required by the department pursuant to
14 section 71-3507 for each subsequent attempt.

15 (6) The department shall adopt and promulgate rules and
16 regulations establishing fees for the implementation of this
17 section and section 71-3515.01, including an examination fee,
18 initial and renewal licensure fees for persons performing medical
19 radiography, and a fee for approval of courses of instruction. In
20 determining such fees, the department shall obtain sufficient funds
21 from the fees to pay the direct and indirect costs of administering
22 such sections. No fee shall exceed the actual cost to the
23 department for examination and licensure. The fees shall be
24 collected and remitted by the department to the State Treasurer for
25 credit to the Department of Health and Human Services Regulation
26 and Licensure Cash Fund and shall be used solely for the purpose of
27 defraying the direct and indirect costs of administering such
28 sections.

1 Sec. 77. Section 71-3517, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-3517. (1) Any person who violates any of the
4 provisions of the Radiation Control Act shall be guilty of a Class
5 IV misdemeanor.

6 (2) In addition to the penalty provided in subsection (1)
7 of this section, any person who violates any provision of the
8 Radiation Control Act or any rule, regulation, or order issued
9 pursuant to such act or any term, condition, or limitation of any
10 license or registration certificate issued pursuant to such act
11 shall be subject to:

12 (a) License revocation, suspension, modification,
13 condition, or limitation;

14 (b) The imposition of a civil penalty; or

15 (c) The terms of any appropriate order issued by the
16 department.

17 (3) Whenever the department proposes to subject a person
18 to the provisions of subsection (2) of this section, the department
19 shall notify the person in writing (a) setting forth the date,
20 facts, and nature of each act or omission with which the person is
21 charged, (b) specifically identifying the particular provision or
22 provisions of the section, rule, regulation, order, license, or
23 registration certificate involved in the violation, and (c) of the
24 sanction or order to be imposed. If a civil penalty is imposed,
25 the notice shall include a statement that it can be collected by
26 civil action. ~~of the time, date, and place at which a full and~~
27 ~~fair hearing will be had on such charge, (d) that the department~~
28 ~~may revoke, suspend, modify, condition, or limit a license, impose~~

1 a civil penalty, or enter an appropriate order, and (e) that upon
2 failure to pay the civil penalty, if any, subsequently determined
3 by the department, the penalty may be collected by civil action.
4 The notice shall be delivered to each alleged violator ~~not less~~
5 than ten days before the time set for the hearing by personal
6 service, by certified or registered mail to his or her last-known
7 address, or by publication. Notice by publication shall only be
8 made if personal service or service by mail cannot be effectuated.
9 The sanction or order in the notice shall become final thirty days
10 after the mailing of the notice unless the applicant, registrant,
11 or licensee, within the thirty-day period, requests, in writing, a
12 hearing before the department. If the notice is served by personal
13 service or publication, the sanction or order shall become final
14 thirty days after completion of such service unless the applicant,
15 registrant, or licensee, within the thirty-day period, requests, in
16 writing, a hearing before the department.

17 (4) Hearings held pursuant to subsection (3) of this
18 section shall be held in accordance with rules and regulations
19 adopted and promulgated by the department and shall provide for the
20 alleged violator to present such evidence as may be proper.
21 Witnesses may be subpoenaed by either party and shall be allowed
22 fees at a rate prescribed by the rules and regulations of the
23 department. A full and complete record shall be kept of the
24 proceedings.

25 (5) Following the hearing, the director shall determine
26 whether the charges are true or not, and if true, the director may
27 (a) issue a declaratory order finding the charges to be true, (b)
28 revoke, suspend, modify, condition, or limit the license, (c)

1 impose a civil penalty in an amount not to exceed ten thousand
2 dollars for each violation, or (d) enter an appropriate order. If
3 any violation is a continuing one, each day of such violation shall
4 constitute a separate violation for the purpose of computing the
5 applicable civil penalty and the amount of the penalty shall be
6 based on the severity of the violation. A copy of such decision
7 setting forth the finding of facts and the particular reasons upon
8 which it is based shall be sent by either certified or registered
9 mail to the alleged violator. The decision may be appealed, and
10 the appeal shall be in accordance with the Administrative Procedure
11 Act.

12 (6) Any civil penalty assessed and unpaid under
13 subsection (5) of this section shall constitute a debt to the State
14 of Nebraska which may be collected in the manner of a lien
15 foreclosure or sued for and recovered in any proper form of action
16 in the name of the State of Nebraska in the district court of the
17 county in which the violator resides or owns property. The
18 department shall, within thirty days from receipt, transmit any
19 collected civil penalty to the State Treasurer for deposit in the
20 permanent school fund.

21 Sec. 78. Section 71-3519, Revised Statutes Supplement,
22 2001, is amended to read:

23 71-3519. Sections 71-3501 to 71-3519 and section 74 of
24 this act shall be known and may be cited as the Radiation Control
25 Act.

26 Sec. 79. Section 71-3709, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 71-3709. (1) The board shall keep a record of its

1 proceedings.

2 (2) The board shall maintain a register of all
3 applications for registration which shall show (a) the place of
4 residence, name, and age of each applicant, (b) the name and
5 address of the employer or business connection of each applicant,
6 (c) the date of application, (d) complete information of
7 educational and experience qualifications, (e) the action taken by
8 the board, (f) the serial number of the certificate of registration
9 issued to the applicant, (g) the date on which the board reviewed
10 and acted upon the application, and (h) such other pertinent
11 information as may be deemed necessary by the board.

12 (3) The board shall maintain a current registry of all
13 environmental health specialists and trainees in the State of
14 Nebraska who have been registered in accordance with the provisions
15 of sections 71-3702 to 71-3715.

16 (4) The board shall maintain a current registry of the
17 ~~hours of continuing education earned~~ competency requirements
18 completed by each registered environmental health specialist and
19 each registered trainee in accordance with section 71-3710.

20 Sec. 80. Section 71-3710, Revised Statutes Supplement,
21 2000, is amended to read:

22 71-3710. (1) The board shall prescribe and provide an
23 application form for the use of all applicants. Applicants for
24 registration as environmental health specialists shall submit a fee
25 of ten dollars and applicants for registration as trainees shall
26 submit a fee of five dollars at the time of making application for
27 registration. Such fees shall not be refundable. The board may
28 also assess an additional fee for the cost of the examination when

1 necessary.

2 A registered environmental health specialist may renew
3 his or her registration by paying the board a biennial renewal fee
4 of not less than thirty dollars nor more than three hundred fifty
5 dollars as the board shall direct. Such fee shall be due and
6 payable on or before January 1, 1987, and on or before January 1 of
7 each odd-numbered year for which a renewal registration is issued.
8 All registrations shall expire on December 31 of each even-numbered
9 year. Procedures for renewal and for assessment of additional fees
10 for late renewal or reinstatement shall be in accordance with
11 section 71-110.

12 In no case shall registration for a trainee exceed a
13 two-year period.

14 (2) Each registered environmental health specialist or
15 trainee in active practice in the state shall, be required on or
16 before December 31 of each even-numbered year, to attend
17 twenty-four hours biennially of such approved scientific schools,
18 clinics, forums, lectures, or environmental health specialist
19 educational seminars, as may be announced and approved by the
20 Director of Regulation and Licensure under direction from the
21 board, complete continuing competency activities as required by the
22 board and adopted and promulgated by the department in rules and
23 regulations as a prerequisite for the registrant's next subsequent
24 biennial registration renewal. Continuing education is sufficient
25 to meet continuing competency requirements. The requirements may
26 also include, but not be limited to, one or more of the continuing
27 competency activities listed in section 71-161.09 which a
28 registrant may select as an alternative to continuing education.

1 At least twelve hours of such educational program shall be
2 ~~conducted annually within the State of Nebraska.~~

3 Each registered environmental health specialist and
4 trainee in active practice within the State of Nebraska shall, on
5 or before December 31 of each even-numbered year, certify to the
6 department that he or she has complied with this subsection during
7 the preceding two-year period. ~~The director shall, on or before~~
8 ~~December 31 of each even-numbered year, report all registrants who~~
9 ~~have complied with the educational requirements to the board.~~ Any
10 registrant who has not complied with such requirements shall not be
11 issued a renewal registration except if he or she is exempt as
12 provided in subsection (3) of this section. Procedures for
13 nonrenewal of the registration of such registrants shall be
14 identical to those for nonpayment of renewal fees as provided in
15 sections 71-110 and 71-149. In cases other than nonrenewal, the
16 procedures in sections 71-149 and 71-150 for refusal to renew shall
17 apply. Additional fees for late renewal shall be assessed in
18 accordance with section 71-110.

19 (3) A registrant shall be exempt from the requirements of
20 subsection (2) of this section if he or she:

21 (a) Holds a Nebraska certificate of registration but is
22 not practicing as a registered environmental health specialist or
23 registered trainee in Nebraska;

24 (b) Serves in the regular armed forces of the United
25 States during any part of the twenty-four months immediately
26 preceding the biennial certificate of registration renewal date;

27 (c) Attends a college, university, or other institution
28 of higher education for a residence period of time in excess of

1 eight months during any part of the twenty-four months immediately
2 preceding the biennial certificate of registration renewal date;

3 (d) Submits proof that he or she was suffering from a
4 serious or disabling illness or physical disability during the
5 twenty-four months immediately preceding the biennial certificate
6 of registration renewal date which prevented his or her attendance
7 at any qualified educational seminar within the State of Nebraska
8 during the ~~twenty-four months immediately preceding the biennial~~
9 ~~certificate of registration renewal date~~ completion of continuing
10 competency requirements established by the board;

11 (e) Had first registered within the twenty-four months
12 immediately preceding the biennial certificate of registration
13 renewal date; or

14 (f) Is a registered environmental health specialist in
15 good standing with the board who has completely retired from the
16 active practice of environmental sanitation.

17 Sec. 81. Section 71-4301, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-4301. ~~As used in~~ For purposes of sections 71-4301 to
20 71-4307, unless the context otherwise requires, swimming pool means
21 + Swimming pool shall mean any artificial basin of water which has
22 been wholly designed, modified, improved, constructed, or installed
23 solely for the purpose of public swimming, wading, diving,
24 recreation, or instruction. Swimming pool includes, but is not
25 limited to, a pool serving a community, a subdivision, an apartment
26 complex, a condominium, a club, a camp, a school, an institution, a
27 park, a manufactured home park, a hotel, a motel, a recreational
28 area, or a water park. Swimming pool includes a spa, hot tub, or

1 whirlpool or similar device which (1) is designed for recreational
2 use and not to be drained, cleaned, and refilled after each
3 individual use and (2) may consist of elements, including, but not
4 limited to, hydrojet circulation, hot water, cold water, mineral
5 baths, air induction systems, or any combination thereof. Swimming
6 pool does not include an artificial lake, a pool at a private
7 residence and which is equipped with equipment to filter and
8 disinfect, and shall include pools for community use, pools at
9 apartments or housing developments having five or more living
10 units, clubs, camps, schools, institutions, park and recreation
11 areas, motels, hotels and other commercial establishments.
12 ~~Sections 71-4301 to 71-4307 shall not apply to pools at private~~
13 ~~residences~~ intended only for the use of the owner and guests, or a
14 pool operated exclusively for medical treatment, physical therapy,
15 water rescue training, or training of divers.

16 Sec. 82. Section 71-4302, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-4302. The Department of Health and Human Services
19 Regulation and Licensure shall prepare, adopt, and have printed
20 minimum sanitary and safety requirements in the form of regulations
21 for the design, construction, equipment, and operation of swimming
22 pools and bather preparation facilities. Such requirements shall
23 include, but not be limited to, provisions for waiver or variance
24 of design standards and the circumstances under which such waiver
25 or variance may be granted.

26 Sec. 83. Section 71-4305, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 71-4305. (1) The Department of Health and Human Services

1 Regulation and Licensure shall make at least one inspection every
2 year of each swimming pool to determine that such swimming pool
3 complies with the minimum sanitary and safety requirements.

4 (2) The owner and operator of any swimming pool shall
5 submit such operation and analytical records as may be requested at
6 any time by the Department of Health and Human Services Regulation
7 and Licensure to determine the sanitary and safety condition of the
8 swimming pool.

9 (3) The ~~distinction between Class A and Class B swimming~~
10 ~~pools shall be prescribed by regulation by the~~ Department of Health
11 and Human Services Regulation and Licensure shall adopt and
12 promulgate rules and regulations which classify swimming pools on
13 the basis of criteria deemed appropriate by the department. The
14 department shall charge engineering firms, swimming pool owners and
15 operators, and other appropriate parties fees established by rules
16 and regulations ~~regulation~~ for the review of plans and
17 specifications of a swimming pool, the issuance of a license or
18 permit, the provision of swimming pool operator testing services,
19 the inspection of a swimming pool, and any other services rendered
20 at a rate which defrays no more than the actual cost of the
21 services provided. All fees shall be paid as a condition of annual
22 renewal of licensure or of continuance of licensure.

23 All fees collected under this section shall be ~~deposited~~
24 ~~in~~ remitted to the State Treasurer for credit to the Department of
25 Health and Human Services Regulation and Licensure Cash Fund. The
26 Department of Health and Human Services Regulation and Licensure
27 shall not charge a municipal corporation an inspection fee for an
28 inspection of a swimming pool owned by such municipal corporation.

1 Sec. 84. Section 71-4702.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-4702.01. Every hearing aid instrument dispenser and
4 fitter who is licensed to practice in Nebraska and is in active
5 practice in this state shall be required to complete ~~twenty-four~~
6 ~~hours of continuing education in the same manner as provided in~~
7 ~~sections 71-161.09 and 71-161.10~~ continuing competency activities
8 as required by the board pursuant to section 71-4716 as a condition
9 for biennial renewal.

10 Sec. 85. Section 71-4711, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-4711. Licenses issued pursuant to sections 71-4701 to
13 71-4719 shall be subject to biennial renewal and shall expire
14 December 31 of each even-numbered year in accordance with section
15 71-110. Procedures for renewal and for assessment of additional
16 fees for late renewal shall be in accordance with ~~section~~ sections
17 71-110 and 71-161.10.

18 Sec. 86. Section 71-4716, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-4716. (1) The board shall advise the department in
21 all matters relating to sections 71-4701 to 71-4719, shall prepare
22 the examinations required by such sections for the department,
23 shall by a vote of four-fifths recommend licensure, and shall
24 assist the department in carrying out the provisions of such
25 sections.

26 (2) The department shall be guided by the recommendations
27 of the board in all matters relating to such sections.

28 (3) The board shall establish continuing competency

1 requirements for persons licensed under such sections. Continuing
2 education is sufficient to meet continuing competency requirements.
3 The requirements may also include, but not be limited to, one or
4 more of the continuing competency activities listed in section
5 71-161.09 which a licensed person may select as an alternative to
6 continuing education. The requirements shall be approved by the
7 board and adopted and promulgated by the department in rules and
8 regulations.

9 Sec. 87. Section 71-5178, Revised Statutes Supplement,
10 2001, is amended to read:

11 71-5178. The department, with the approval of the board,
12 shall adopt and promulgate rules and regulations necessary to:

13 (1) Implement the Emergency Medical Services Act;

14 (2) Create the following certification classifications of
15 out-of-hospital emergency care providers: (a) First responder; (b)
16 emergency medical technician; (c) emergency medical
17 technician-intermediate; and (d) emergency medical
18 technician-paramedic. The rules and regulations creating the
19 classifications shall include the practices and procedures
20 authorized for each classification, training and testing
21 requirements, recertification requirements, and other criteria and
22 qualifications for each classification determined to be necessary
23 for protection of public health and safety;

24 (3) Provide for curricula which will allow
25 out-of-hospital emergency care providers and users of automated
26 external defibrillators as defined in section 71-51,102 to be
27 trained for the delivery of practices and procedures in units of
28 limited subject matter which will encourage continued development

1 of abilities and use of such abilities through additional
2 authorized practices and procedures;

3 (4) Establish procedures and requirements for
4 applications for examination, certification, or recertification in
5 any of the certification classifications created pursuant to the
6 Emergency Medical Services Act;

7 (5) Provide for the licensure of basic life support
8 services and advanced life support services. The rules and
9 regulations providing for licensure shall include standards and
10 requirements for: Vehicles, equipment, maintenance, sanitation,
11 inspections, personnel, training, medical direction, records
12 maintenance, practices and procedures to be provided by employees
13 or members of each classification of service, and other criteria
14 for licensure established by the department with the approval of
15 the board;

16 (6) Authorize emergency medical services to provide
17 differing practices and procedures depending upon the
18 qualifications of out-of-hospital emergency care providers
19 available at the time of service delivery. No emergency medical
20 service shall be licensed to provide practices or procedures
21 without the use of personnel certified to provide the practices or
22 procedures;

23 (7) Authorize out-of-hospital emergency care providers to
24 perform any practice or procedure which they are authorized to
25 perform with an emergency medical service other than the service
26 with which they are affiliated when requested by the other service
27 and when the patient for whom they are to render services is in
28 danger of loss of life;

1 (8) Provide for the approval, inspection, review, and
2 termination of approval of training agencies and establish minimum
3 standards for services provided by training agencies. All training
4 for certification shall be provided through an approved or
5 accredited training agency;

6 (9) Provide for the minimum qualifications of a physician
7 medical director in addition to the licensure required by
8 subdivision (10) of section 71-5175;

9 (10) Provide for the use of physician medical directors,
10 qualified physician surrogates, model protocols, standing orders,
11 operating procedures, and guidelines which may be necessary or
12 appropriate to carry out the purposes of the act. The model
13 protocols, standing orders, operating procedures, and guidelines
14 may be modified by the physician medical director for use by any
15 out-of-hospital emergency care provider or emergency medical
16 service before or after adoption;

17 (11) Establish criteria for approval of organizations
18 issuing cardiopulmonary resuscitation certification which shall
19 include criteria for instructors, establishment of certification
20 periods and minimum curricula, and other aspects of training and
21 certification;

22 (12) Establish recertification and renewal requirements
23 for out-of-hospital emergency care providers and emergency medical
24 services and ~~provide for compliance with recertification~~
25 ~~requirements by one of the following methods:~~ (a) Continuing
26 education; (b) achieving a department-prescribed level of
27 performance on a written and practical skills test; or (c)
28 verification by a physician medical director or qualified physician

1 surrogate that the applicant is qualified for recertification adopt
2 and promulgate rules and regulations to establish continuing
3 competency requirements as approved by the board. Continuing
4 education is sufficient to meet continuing competency requirements.
5 The requirements may also include, but not be limited to, one or
6 more of the continuing competency activities listed in section
7 71-161.09 which a certified person may select as an alternative to
8 continuing education. The recertification requirements for
9 out-of-hospital emergency care providers shall allow
10 recertification at the same or any lower level of certification for
11 which the out-of-hospital emergency care provider is determined to
12 be qualified;

13 (13) Establish criteria for deployment and use of
14 automated external defibrillators as necessary for the protection
15 of the public health and safety; and

16 (14) Create certification, recertification, and renewal
17 requirements for emergency medical service instructors. The rules
18 and regulations shall include the practices and procedures for
19 certification, recertification, and renewal.

20 All certificates and licenses issued under the act shall
21 expire at midnight on December 31 the third year after issuance.

22 Sec. 88. Section 71-5179, Revised Statutes Supplement,
23 2000, is amended to read:

24 71-5179. (1) The Legislature adopts all parts of the
25 United States Department of Transportation curricula, including
26 appendices, and skills as the training requirements and permitted
27 practices and procedures for the certification classifications
28 listed in subdivision (2) of section 71-5178 until modified by rule

1 and regulation.

2 (2) The department and the board shall consider the
3 following factors, in addition to other factors required or
4 permitted by the Emergency Medical Services Act, when adopting
5 rules and regulations for a certification classification:

6 (a) Whether the initial training required for
7 certification in the classification is sufficient to enable the
8 out-of-hospital emergency care provider to perform the practices
9 and procedures authorized for the classification in a manner which
10 is beneficial to the patient and protects public health and safety;

11 (b) Whether the practices and procedures to be authorized
12 are necessary to the efficient and effective delivery of
13 out-of-hospital emergency medical care;

14 (c) Whether morbidity can be reduced or recovery enhanced
15 by the use of the practices and procedures to be authorized for the
16 classification; and

17 (d) Whether continuing ~~education hours~~ competency
18 requirements are sufficient to maintain the skills authorized for
19 the classification.

20 Sec. 89. Section 71-5206.01, Revised Statutes
21 Supplement, 2000, is amended to read:

22 71-5206.01. The Legislature may provide funding to the
23 Office of Rural Health for the purpose of funding the cost of
24 resident stipends and benefits, which funding may include health
25 insurance, professional liability insurance, disability insurance,
26 medical education expenses, continuing ~~medical education~~ competency
27 expenses, pension benefits, moving expenses, and meal expenses in
28 family practice residency programs based in Nebraska but which are

1 not under a contract pursuant to section 71-5206. The resident
2 stipends and benefits funded in this section shall apply only to
3 residents who begin family practice residency training at a
4 qualifying institution in years beginning on or after January 1,
5 1993. The total funding provided in the form of stipend and
6 benefit support per resident to a family practice residency program
7 under this section shall not exceed the total funding provided in
8 the form of stipend and benefit support per resident to a family
9 practice residency program under section 71-5203.

10 Upon receiving an itemized statement of the cost of
11 stipends and benefits of a family practice residency program from a
12 sponsoring institution and upon determining that the sponsoring
13 institution is not receiving funds under a contract pursuant to
14 section 71-5206, the office may reimburse such institution fifty
15 percent of such cost for each family practice resident in the
16 program. The office may reimburse such institution twenty-five
17 percent of the remaining cost per family practice resident for each
18 year that one of the program's graduates practices family medicine
19 in Nebraska, up to a maximum of three years for each graduate, and
20 an additional twenty-five percent of the remaining cost per
21 resident for each of the program's graduates who practices family
22 medicine in an area of Nebraska classified as of January 1, 1991,
23 by the United States Secretary of Health and Human Services as
24 Medicare Locale 16. The total number of residents receiving annual
25 financial payments made under this section shall not exceed nine
26 students during any school year.

27 At the end of the third year of the funding under this
28 section, the sponsoring institutions and the office shall report to

1 the Legislature regarding the performance of the residency programs
2 and the placement of residents and physicians for training and
3 practice.

4 Sec. 90. Section 71-5308, Revised Statutes Supplement,
5 2001, is amended to read:

6 71-5308. (1) Application for a certificate of competency
7 to act as a certified operator of a public water system shall be
8 made upon forms prepared by the director and shall contain such
9 information as the director, by rule and regulation, deems
10 necessary. If the applicant is an individual, the application
11 shall include the applicant's social security number.

12 (2) Certificates of competency to act as certified
13 operators of public water systems shall be issued by the department
14 for the calendar years applied for and shall expire at midnight on
15 December 31 of the third year. Certificates of competency may be
16 renewed triennially upon application and completion of continuing
17 competency requirements established by the department in rules and
18 regulations. The requirements may include, but not be limited to,
19 one or more of the continuing competency activities listed in
20 section 71-161.09. The department shall notify each certificate
21 holder at least ninety days before the expiration of the
22 certificate by a letter addressed to him or her at his or her last
23 place of residence as noted upon its records.

24 (3) The department shall, within thirty days after
25 receipt of an application, make an investigation and, if found in
26 compliance with regulations adopted pursuant to section 71-5309,
27 shall issue a certificate of competency, valid until midnight of
28 December 31 of the third year.

1 Sec. 91. Section 71-6053, Revised Statutes Supplement,
2 2000, is amended to read:

3 71-6053. For the purpose of sections 71-6053 to 71-6068,
4 unless the context otherwise requires:

5 (1) Accredited institution means a postsecondary
6 educational institution approved by the board;

7 (2) Active license means a license issued by the board to
8 an administrator who meets the continuing ~~education~~ competency
9 requirements ~~of section 71-6060~~ and who submits the fee required by
10 section 71-6061;

11 (3) Administrator or nursing home administrator means any
12 individual who meets the education and training requirements of
13 section 71-6054 and is responsible for planning, organizing,
14 directing, and controlling the operation of a home for the aged or
15 infirm, a nursing home, or an integrated system or who in fact
16 performs such functions, whether or not such functions are shared
17 by one or more other persons. Notwithstanding this subdivision or
18 any other provision of law, the administrator of an intermediate
19 care facility for the mentally retarded may be either a licensed
20 nursing home administrator or a qualified mental retardation
21 professional;

22 (4) Administrator-in-training means a person who is
23 undergoing training to become a nursing home administrator and is
24 directly supervised in a home for the aged or infirm or nursing
25 home by a certified preceptor;

26 (5) Board means the Board of Examiners in Nursing Home
27 Administration;

28 (6) Certified preceptor means a person who is currently

1 licensed by the State of Nebraska as a nursing home administrator,
2 has three years of experience as a nursing home administrator, has
3 practiced within the last two years in a home for the aged or
4 infirm or a nursing home, and is approved by the board to supervise
5 an administrator-in-training or a person in a mentoring program;

6 (7) Core educational requirements means courses necessary
7 for licensure as a nursing home administrator and includes courses
8 in patient care and services, social services, financial
9 management, administration, and rules, regulations, and standards
10 relating to the operation of a health care facility;

11 (8) Degree or advanced degree means a baccalaureate,
12 master's, or doctorate degree from an accredited institution and
13 which includes studies in the core educational requirements;

14 (9) Degree or advanced degree in health care means a
15 baccalaureate, master's, or doctorate degree from an accredited
16 institution in health care, health care administration, or
17 services;

18 (10) Department means the Department of Health and Human
19 Services Regulation and Licensure;

20 (11) Home for the aged or infirm or nursing home means
21 any institution or facility licensed as a nursing facility or a
22 skilled nursing facility by the department pursuant to the Health
23 Care Facility Licensure Act, whether proprietary or nonprofit,
24 including, but not limited to, homes for the aged or infirm owned
25 or administered by the federal or state government or an agency or
26 political subdivision thereof;

27 (12) Integrated system means a health and human services
28 organization offering different levels of licensed care or

1 treatment on the same premises;

2 (13) Internship means that aspect of the educational
3 program of the associate degree in long-term care administration
4 which allows for practical experience in a home for the aged or
5 infirm or nursing home and occurs under the supervision of a
6 certified preceptor;

7 (14) License means permission to engage in nursing home
8 administration which would otherwise be unlawful in this state in
9 the absence of such permission and which is granted to individuals
10 who meet prerequisites and qualifications that allow them to
11 perform nursing home administration tasks and use the title nursing
12 home administrator;

13 (15) Nursing degree means a degree or diploma in nursing
14 from an accredited program of professional nursing approved by the
15 Board of Nursing;

16 (16) Previous work experience means at least two years
17 working full time in a nursing home or home for the aged or infirm
18 or previous work experience in health care administration; and

19 (17) Previous work experience in health care
20 administration means at least two years working full time as an
21 administrator or director of nursing of a hospital with a long-term
22 care unit or assisted-living facility or director of nursing in a
23 nursing home or home for the aged or infirm.

24 Sec. 92. Section 71-6054, Revised Statutes Supplement,
25 2000, is amended to read:

26 71-6054. (1) (a) The board shall issue a license to an
27 applicant who submits (i) satisfactory evidence of completion of
28 (A) an associate degree which includes the core educational

1 requirements and an administrator-in-training program under a
2 certified preceptor, (B) a degree or an advanced degree and a
3 mentoring program under a certified preceptor, (C) a nursing
4 degree, previous work experience in health care administration, and
5 a mentoring program under a certified preceptor, (D) a degree or an
6 advanced degree in health care and previous work experience in
7 health care administration, or (E) an associate degree which
8 includes the core educational requirements, previous work
9 experience, and a mentoring program under a certified preceptor,
10 (ii) evidence of successful passage of the National Association of
11 Boards of Examiners for Nursing Home Administration written
12 examination and a state examination that covers applicable state
13 statutes and rules and regulations adopted and promulgated by the
14 department as approved by the board, and (iii) his or her social
15 security number. The board shall license administrators in
16 accordance with sections 71-6053 to 71-6068 and standards, rules,
17 and regulations adopted and promulgated by the board pursuant to
18 such sections. The license shall not be transferable or
19 assignable. Each administrator shall be full time and responsible
20 for the operation of only one licensed facility or one integrated
21 system, except that an administrator may oversee the operations of
22 more than one licensed facility if such facilities are located
23 within ten miles of each other and the combined number of licensed
24 beds in such facilities does not exceed sixty-five. ~~Administrators~~
25 An administrator overseeing the operations of an integrated system
26 are is subject to disciplinary action against ~~their~~ his or her
27 license for any regulatory violations within such integrated
28 system.

1 (b) Notwithstanding the provisions of sections 71-6053 to
2 71-6068, the board shall issue a license as a nursing home
3 administrator to an applicant who will function as the
4 administrator of a facility caring primarily for persons with head
5 injuries and associated disorders who submits satisfactory evidence
6 that he or she (i) has at least two years of experience working
7 with persons with head injuries or severe physical disabilities, at
8 least one of which was spent in an administrative capacity, (ii) is
9 (A) a psychologist with at least a master's degree in psychology
10 from an accredited college or university and has specialized
11 training or one year of experience working with persons with
12 traumatic head injury or severe physical disability, (B) a
13 physician licensed under the Uniform Licensing Law to practice
14 medicine and surgery or psychiatry and has specialized training or
15 one year of experience working with persons with traumatic head
16 injury or severe physical disability, (C) an educator with at least
17 a master's degree in education from an accredited college or
18 university and has specialized training or one year of experience
19 working with persons with traumatic head injury or severe physical
20 disability, or (D) a certified social worker, a certified master
21 social worker, or a licensed mental health practitioner certified
22 or licensed under the Uniform Licensing Law and has at least three
23 years of social work or mental health practice experience and
24 specialized training or one or more years of experience working
25 with persons who have experienced traumatic head injury or are
26 severely physically disabled, and (iii) is of good moral character.
27 The applicant shall also provide his or her social security number.
28 A license issued pursuant to this subdivision shall be

1 issued without examination and without the requirement of
2 completion of an administrator-in-training or mentoring program.
3 Such license may be renewed without the completion of any
4 continuing ~~education~~ competency requirements.

5 (2) If an applicant for an initial license files an
6 application for licensure within ninety days prior to the biennial
7 renewal date of the license, the applicant may either:

8 (a) Request that the department delay the processing of
9 the application and the issuance of the license until the biennial
10 renewal date and pay only the fee for initial licensure; or

11 (b) Request that a license which will be valid until the
12 next subsequent renewal date be issued immediately and pay the fee
13 for initial licensure and an additional fee of one-fourth of the
14 biennial fee.

15 (3) Licenses may be denied, suspended, limited, refused
16 renewal, or revoked by the department for due cause which shall
17 include: (a) Fraud in procuring a license; (b) immoral,
18 unprofessional, or dishonorable conduct; (c) habitual intoxication
19 or addiction to the use of drugs; (d) distribution of intoxicating
20 liquors or drugs for other than lawful purposes; (e) conviction of
21 a felony; (f) physical or mental incapacity to perform professional
22 duties; (g) violation of any provision of sections 71-6053 to
23 71-6068 or standards, rules, and regulations adopted and
24 promulgated thereunder or of any law or standards, rules, and
25 regulations adopted and promulgated by the department relating to
26 the proper administration and management of a home for the aged or
27 infirm or nursing home; (h) commission of any of the acts or
28 offenses set forth in sections 71-147 and 71-148; and (i) failure

1 to pay the required fees. Except in cases of failure to pay the
2 required fees, no license shall be denied, suspended, limited,
3 refused renewal, or revoked except after due notice and opportunity
4 for a hearing. Disciplinary actions and proceedings shall be
5 conducted as specified in the Uniform Licensing Law. Any denial,
6 suspension, limitation, refusal of renewal, or revocation of such
7 license may be appealed, and the appeal shall be in accordance with
8 the Administrative Procedure Act. A person whose license has been
9 revoked, suspended, or limited may petition the board for
10 reinstatement in the manner provided by sections 71-161.04 to
11 71-161.06.

12 Sec. 93. Section 71-6060, Revised Statutes Supplement,
13 2000, is amended to read:

14 71-6060. (1) ~~Each~~ Except as provided in subdivision
15 (1)(b) of section 71-6054, each administrator holding an active
16 license shall, ~~be required~~ on or before December 31 of each
17 even-numbered year, ~~commencing in 1986, to attend at least fifty~~
18 ~~hours biennially of approved schools, clinics, forums, lectures, or~~
19 ~~educational seminars relating to health care administration as may~~
20 ~~be announced and approved by the board within the State of Nebraska~~
21 ~~or by the governing board, agency, or department in some other~~
22 ~~state or territory or the District of Columbia~~ complete continuing
23 competency activities as required by the board pursuant to section
24 71-6067 as a prerequisite for the Nebraska licensee's next
25 subsequent biennial license renewal. Each licensee shall ~~certify~~
26 ~~on an affidavit form provided~~ document as required by the
27 department that he or she has complied with the requirements set
28 forth in this section during the preceding two-year period. ~~The~~

1 sworn affidavit shall contain a listing of continuing education
2 activities which he or she participated in or attended, the amount
3 of credit received for each activity, and the date, location, and
4 name of the approved provider which sponsored the activity on a
5 separate form or portion of the license renewal application as may
6 be designated by the department. Each licensee shall be
7 responsible for maintaining in his or her personal files such
8 certificates of records of credit from continuing education
9 activities received from approved providers records of compliance
10 with the continuing competency requirements. Licensees who have
11 not complied with such requirements shall not be issued a renewal
12 license unless exempt for any of the following reasons:

13 (a) The licensee served in the regular armed forces of
14 the United States during any part of the twenty-four months
15 immediately preceding the Nebraska license renewal date;

16 (b) The licensee submits proof that he or she was
17 suffering from a serious or disabling illness or physical
18 disability which prevented his or her attendance at any approved
19 school, clinic, forum, lecture, or educational seminar within the
20 State of Nebraska or any other state or territory or the District
21 of Columbia during the twenty-four months immediately compliance
22 with the continuing competency requirements preceding the Nebraska
23 license renewal date;

24 (c) The licensee was first licensed within the
25 twenty-four months immediately preceding the Nebraska license
26 renewal date; or

27 (d) The licensee did not reside in Nebraska during the
28 twenty-four months immediately preceding the Nebraska license

1 renewal date.

2 (2) An individual licensed pursuant to sections 71-6053
3 to 71-6068 may request to have his or her license placed on
4 inactive status upon its expiration. The request shall be
5 submitted to the department in writing, along with payment of a fee
6 of thirty-five dollars. The department shall notify the licensee
7 in writing of the acceptance or denial of such request. If placed
8 on inactive status, the license may remain in such status for an
9 indefinite period of time. An inactive license may be placed on
10 active status upon completion by the licensee of all continuing
11 ~~education~~ competency requirements in effect at the time of such
12 request and payment of the license renewal fee then due.

13 (3) Providers of continuing ~~education~~ competency
14 activities or licensees may submit courses for review and approval
15 by the board. Each provider or licensee applying for approval of
16 continuing ~~education courses~~ competency activities shall pay an
17 application fee of thirty-five dollars for each program, seminar,
18 or course submitted for review. Such fee shall be retained by the
19 board and disposed of in the manner specified in section 71-6061.

20 Sec. 94. Section 71-6067, Revised Statutes Supplement,
21 2000, is amended to read:

22 71-6067. The board shall:

23 (1) Develop, impose, and enforce standards which shall be
24 met by individuals in order to receive a license, which standards
25 shall be designed to insure that such administrators will be
26 individuals who are of good character and are otherwise suitable
27 and who, by training or experience in the field of institutional
28 administration, are qualified to serve as administrators;

1 (2) Develop and apply appropriate techniques, including
2 examinations, for determining whether an individual meets such
3 standards;

4 (3) Issue licenses to individuals determined, after the
5 application of such techniques, to meet such standards and
6 recommend to revoke or suspend licenses previously issued by the
7 board in any case in which the individual holding any such license
8 failed to conform to such standards;

9 (4) Establish and carry out procedures designed to insure
10 that individuals licensed as administrators will, during any period
11 that they serve as such, comply with the requirements of such
12 standards;

13 (5) Adopt and promulgate rules and regulations governing
14 continuing ~~education~~ competency requirements and renewal and
15 reinstatement procedures for licensure. Continuing education is
16 sufficient to meet continuing competency requirements. Continuing
17 competency requirements established by the board may also include,
18 but not be limited to, one or more of the continuing competency
19 activities listed in section 71-161.09 which a licensed individual
20 may select as an alternative to continuing education;

21 (6) Adopt and promulgate rules and regulations governing
22 administrator-in-training and mentoring programs, including, but
23 not limited to, matters such as (a) qualifications for
24 administrators-in-training and persons in mentoring programs, (b)
25 qualifications and evaluation standards for certified preceptors,
26 (c) methods of instruction and supervision, (d) methods of
27 documentation, and (e) reporting requirements;

28 (7) Conduct a continuing study and investigation of homes

1 for the aged or infirm and nursing homes and administrators of such
2 facilities within the state with a view to the improvement of the
3 standards imposed for the licensing of such administrators and of
4 procedures and methods for the enforcement of such standards; and

5 (8) Conduct or cause to be conducted by making use of the
6 resources available one or more courses of instruction and training
7 sufficient to meet the requirements of sections 71-6053 to 71-6068
8 and make provisions for such courses and their accessibility to
9 residents of this state unless it finds that there are a sufficient
10 number of approved courses which are taught by others in this
11 state. In lieu thereof, the board may approve courses taught in
12 and outside this state as sufficient to meet the education and
13 training requirements of such sections. For purposes of this
14 subdivision, the board shall have the authority to receive and
15 disburse federal funds received pursuant to section 1908(e)(1) of
16 the federal Social Security Act, as amended.

17 Sec. 95. Section 71-6103, Revised Statutes Supplement,
18 2001, is amended to read:

19 71-6103. For purposes of the Occupational Therapy
20 Practice Act, unless the context otherwise requires:

21 (1) Active license means the license of a person who is
22 acting, practicing, functioning, and working in compliance with the
23 requirements of a license;

24 (2) Association means a recognized national or state
25 association for occupational therapy;

26 (3) ~~Audit means the selection of licensees for~~
27 ~~verification of satisfactory completion of the continuing education~~
28 ~~requirements of the act during a biennium;~~

- 1 ~~(4)~~ Biennium means a period of two calendar years;
- 2 ~~(5)~~ Board means the Board of Occupational Therapy
- 3 Practice established by section 71-6115;
- 4 ~~(6)~~ Continuing education means planned, organized
- 5 learning activities designed to maintain, improve, or expand a
- 6 licensee's knowledge and skills in order for the licensee to
- 7 develop new knowledge and skills relevant to the enhancement of
- 8 practice, education, or theory development to improve the safety
- 9 and welfare of the public;
- 10 ~~(7)~~ Continuing education activity means the various
- 11 methods in which a licensee can obtain the necessary continuing
- 12 education for license renewal;
- 13 ~~(8)~~ (4) Credentialing means the process of obtaining
- 14 state approval to provide health care services or human services or
- 15 to change aspects of a current approval and includes, but is not
- 16 limited to, granting permission to use a protected title that
- 17 signifies that a person is qualified to provide the services within
- 18 the scope of practice of a profession;
- 19 ~~(9)~~ (5) Department means the Department of Health and
- 20 Human Services Regulation and Licensure;
- 21 ~~(10)~~ (6) License means a license issued under the act;
- 22 ~~(11)~~ (7) Licensee means a person holding a license;
- 23 ~~(12)~~ (8) Occupational therapist means a person holding an
- 24 active license as an occupational therapist;
- 25 ~~(13)~~ (9) Occupational therapy means the use of purposeful
- 26 activity with individuals who are limited by physical injury or
- 27 illness, psychosocial dysfunction, developmental or learning
- 28 disabilities, or the aging process in order to maximize

1 independence, prevent disability, and maintain health.
2 Occupational therapy encompasses evaluation, treatment, and
3 consultation and may include teaching daily living skills,
4 developing perceptual-motor skills and sensory integrative
5 functioning, developing prevocational capacities, designing,
6 fabricating, or applying selected orthotic and prosthetic devices
7 or selective adaptive equipment, using specifically designed
8 therapeutic media and exercises to enhance functional performance,
9 administering and interpreting tests such as manual muscle and
10 range of motion, and adapting environments for the handicapped;

11 ~~(14)~~ (10) Occupational therapy aide means a person who
12 assists in the practice of occupational therapy, who works under
13 the supervision of an occupational therapist, and whose activities
14 require an understanding of occupational therapy but do not require
15 professional or advanced training or licensure;

16 ~~(15)~~ (11) Occupational therapy assistant means a person
17 holding an active license as an occupational therapy assistant; and

18 ~~(16)~~ (12) Person means any individual, partnership,
19 limited liability company, unincorporated organization, or
20 corporate body.

21 Sec. 96. Section 71-6113, Revised Statutes Supplement,
22 2001, is amended to read:

23 71-6113. (1) (a) Licenses issued under the Occupational
24 Therapy Practice Act shall be subject to biennial renewal and shall
25 expire August 1 of each even-numbered year unless renewed in the
26 manner provided by section 71-110 upon ~~presentation to the board of~~
27 ~~evidence of~~ completion of the continuing education requirements
28 ~~established~~ competency activities as required under subsection (2)

1 of this section and upon payment of the renewal fee prescribed in
2 section 71-6114.

3 (b) A licensee whose license is revoked for nonpayment of
4 the biennial renewal fee as provided in section 71-110 may be
5 reinstated upon the recommendation of the board and the payment of
6 the reinstatement and renewal fees prescribed in section 71-6114
7 and an additional fee as prescribed in subsection (5) or (6) of
8 section 71-110, except that no reinstatement of a license may be
9 granted more than five years after its expiration.

10 (2) (a) ~~Every~~ Each Nebraska-licensed occupational
11 therapist in active practice within the State of Nebraska shall, on
12 or before August 1, 2002, and on or before August 1 of each
13 even-numbered year thereafter, complete ~~twenty hours of continuing~~
14 ~~education~~ continuing competency activities as required by the board
15 pursuant to section 71-6115 as a prerequisite to renewal of his or
16 her license. ~~Such continuing education shall consist of continuing~~
17 ~~education activities approved by the board.~~

18 (b) ~~Every~~ Each Nebraska-licensed occupational therapy
19 assistant in active practice within the State of Nebraska shall, on
20 or before August 1, 2002, and on or before August 1 of each
21 even-numbered year thereafter, complete ~~fifteen hours of continuing~~
22 ~~education~~ continuing competency activities as required by the board
23 pursuant to section 71-6115 as a prerequisite to renewal of his or
24 her license. ~~Such continuing education shall consist of continuing~~
25 ~~education activities approved by the board.~~

26 (3) Every occupational therapist and occupational therapy
27 assistant shall provide documentation of completing such continuing
28 competency activities as required by the board. ~~a listing of~~

1 continuing education activities participated in or attended, the
2 amount of credit received for each activity, and the date,
3 location, and name of the approved provider which sponsored the
4 activity on a separate form or portion of the license renewal
5 application as may be designed by the department. Every
6 occupational therapist and occupational therapy assistant shall be
7 responsible for maintaining in his or her personal files such
8 certificates or records of credit from continuing education
9 activities received from approved providers.

10 The board shall biennially select, in a random manner, a
11 representative sample of the license renewal applications for audit
12 of compliance with continuing education credits competency
13 requirements. The board shall cause the occupational therapist or
14 occupational therapy assistant to submit certificates or other
15 records of attendance which were received from the approved
16 provider for review by the board.

17 (4) The department, on the recommendation of the board,
18 may waive continuing education competency requirements, in part or
19 in total, for any two-year licensing period when a licensee submits
20 documentation that circumstances beyond his or her control
21 prevented completion of such requirements. Such circumstances
22 shall include situations in which:

23 (a) The licensee holds a Nebraska license but does not
24 reside or practice in Nebraska;

25 (b) The licensee has served in the regular armed forces
26 of the United States during part of the twenty-four months
27 immediately preceding the license renewal date;

28 (c) The licensee has submitted proof that he or she was

1 suffering from a serious or disabling illness or physical
2 disability which prevented completion of the required ~~number of~~
3 continuing ~~education hours~~ competency activities during the
4 twenty-four months preceding the license renewal date;

5 (d) The licensee has been initially licensed by the board
6 within the twenty-four months immediately preceding the license
7 renewal date; and

8 (e) The licensee has successfully completed two or more
9 semester hours of formal credit instruction biennially offered by
10 an accredited school or college which contributes to meeting the
11 requirements of an advanced degree in a postgraduate program
12 relating to occupational therapy.

13 Sec. 97. Section 71-6115, Revised Statutes Supplement,
14 2001, is amended to read:

15 71-6115. (1) The Board of Occupational Therapy Practice
16 is established. The board shall consist of at least four members
17 appointed by the State Board of Health, all of whom shall be
18 residents of this state. Any statewide association of occupational
19 therapists may submit a list of names of qualified persons from
20 which the State Board of Health may choose members of the Board of
21 Occupational Therapy Practice. Three of the persons appointed
22 shall have been engaged in rendering services to the public,
23 teaching, or research in occupational therapy for at least five
24 years immediately preceding their appointments. Two of the persons
25 appointed shall be occupational therapists and one shall be either
26 an occupational therapist or an occupational therapy assistant and
27 all shall be holders of active licenses issued under the
28 Occupational Therapy Practice Act during their terms. The fourth

1 member shall be a member of the public with an interest in the
2 rights of the consumers of health services. The members of the
3 board shall serve five-year terms, except that the initial members
4 of the board shall serve as follows: The member of the public
5 shall serve one year and the remaining members shall serve terms of
6 two, three, and four years as the State Board of Health shall
7 designate. The term of each member shall commence on December 1
8 following the expiration of the preceding term. No person shall
9 serve more than two full consecutive terms on the board. The State
10 Board of Health shall fill any vacancy for an unexpired term in the
11 same manner as the initial appointment. The members shall not
12 receive compensation but shall be reimbursed for their actual
13 expenses incurred while in the performance of their duties in the
14 same manner as state employees pursuant to sections 81-1174 to
15 81-1177. The board shall annually elect a chairperson and such
16 other officers as it deems necessary and shall meet at least once
17 per year or more as the department and board shall determine.
18 Members of the board may be removed from office on the grounds and
19 in the manner provided by section 71-118.

20 (2) The board, with the approval of the department, shall
21 adopt and promulgate rules and regulations necessary to administer
22 the Occupational Therapy Practice Act. The rules and regulations
23 shall include (a) definitions of unprofessional conduct, (b)
24 definitions of conflicts of interest for members of the board and
25 procedures in the case such a conflict arises, (c) role delineation
26 for occupational therapy assistants, and (d) continuing competency
27 requirements. Continuing education is sufficient to meet
28 continuing competency requirements. Such requirements may also

1 include, but not be limited to, one or more of the continuing
2 competency activities listed in section 71-161.09 which a licensed
3 person may select as an alternative to continuing education.
4 ~~approved continuing education activities, the maximum number of~~
5 ~~contact hours that can be earned in a specific continuing education~~
6 ~~activity, and waiver of continuing education requirements.~~

7 ~~(3) For purposes of this section, approved continuing~~
8 ~~education activity includes a program of occupational therapy~~
9 ~~education and training approved by the board. Such approval may be~~
10 ~~based on the standards established by the board in conjunction with~~
11 ~~a statewide task force of occupational therapists, health care~~
12 ~~consumers, and other health care professionals.~~

13 Sec. 98. Section 71-6302, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-6302. Except as otherwise provided in this section or
16 section 71-6309, a business entity shall not engage in an asbestos
17 project unless the business entity holds a license for that
18 purpose. A business entity which (1) only performs asbestos
19 projects which are less than two hundred sixty linear feet or which
20 are less than one hundred sixty square feet and linear feet in any
21 combination or (2) uses its own employees for an asbestos project
22 for the purpose of renovating, maintaining, or repairing its own
23 facilities shall not be required to hold a license. Business
24 entities not required to hold a license shall provide a training
25 course to inform the employees of the health and safety aspects of
26 the asbestos project, including the applicable state standards.
27 The training course shall meet the standards for such course as
28 prescribed in ~~sections~~ section 71-6310.01 ~~and 71-6310.02~~ and the

1 rules and regulations adopted and promulgated pursuant to such
2 ~~sections~~ section. The training course shall be available for
3 review and approval upon inspection by the department.

4 Sec. 99. Section 71-6303, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-6303. (1) The department shall administer the
7 Asbestos Control Act.

8 (2) The department shall adopt and promulgate rules and
9 regulations necessary to carry out the act. The department shall
10 adopt state standards governing asbestos projects and may adopt or
11 incorporate part or all of any federal standards in the state
12 standards so long as state standards are no less stringent than
13 federal standards.

14 (3) The department shall prescribe fees based upon the
15 following schedule:

16 (a) For a business entity license or license renewal, not
17 less than two thousand dollars or more than five thousand dollars;

18 (b) For certification or recertification of a worker, not
19 less than thirty-five dollars or more than one hundred dollars;

20 (c) For certification or recertification of a supervisor,
21 not less than seventy dollars or more than two hundred dollars;

22 (d) For certification or recertification of an inspector,
23 not less than seventy dollars or more than two hundred dollars;

24 (e) For certification or recertification of a management
25 planner, not less than one hundred dollars or more than three
26 hundred dollars, which fee shall include certification or
27 recertification as an inspector;

28 (f) For certification or recertification of a project

1 designer, not less than seventy dollars or more than two hundred
2 dollars;

3 (g) For certification or recertification of a project
4 monitor, not less than one hundred dollars or more than three
5 hundred dollars;

6 (h) For waiver on an emergency basis of a business entity
7 license, not less than two thousand dollars or more than five
8 thousand dollars;

9 (i) For waiver of a license for a business entity not
10 primarily engaged in asbestos projects, not less than two thousand
11 dollars or more than five thousand dollars;

12 (j) For approval of an initial training course, not less
13 than one thousand dollars or more than two thousand five hundred
14 dollars, which fee shall include one onsite inspection if the
15 inspection is required by the department;

16 (k) For approval of a review course or a four-hour course
17 on Nebraska law, rules, and regulations, not less than five hundred
18 dollars or more than one thousand dollars, which fee shall include
19 one onsite inspection if the inspection is required by the
20 department;

21 (l) For an onsite inspection of an asbestos project other
22 than an initial inspection, not less than one hundred fifty dollars
23 or more than two hundred fifty dollars. Such fees shall not be
24 assessed for more than three onsite inspections per year during the
25 period an actual asbestos project is in progress; and

26 (m) For a project review of each asbestos project of a
27 licensed business entity which is equal to or greater than two
28 hundred sixty linear feet or any combination which is equal to or

1 greater than one hundred sixty square feet and linear feet,
2 including any initial onsite inspection, not less than two hundred
3 dollars or more than five hundred dollars.

4 Any applicant whose application is rejected shall be
5 allowed the return of the application fee, except that an
6 administrative charge of three hundred dollars for a license and
7 one hundred dollars for approval of a training course shall be
8 retained by the department.

9 All fees shall be based on the costs of administering the
10 Asbestos Control Act. In addition to the fees prescribed in this
11 section, the department may charge and receive the actual costs for
12 board, room, and travel by employees in excess of three hundred
13 dollars, which costs shall not exceed the amounts allowable in
14 sections 81-1174 to 81-1177. All fees collected by the department
15 shall be remitted to the State Treasurer for credit to the
16 Department of Health and Human Services Regulation and Licensure
17 Cash Fund. Money credited to the fund pursuant to this section
18 shall be used by the department for the purpose of administering
19 the act.

20 (4) At least once a year during the continuation of an
21 asbestos project, the department shall conduct an onsite inspection
22 of each licensed business entity's procedures for performing
23 asbestos projects.

24 (5) The department may enter into agreements or contracts
25 with public agencies to conduct any inspections required under the
26 act.

27 (6) The department shall adopt and promulgate rules and
28 regulations defining work practices for asbestos projects. The

1 department may provide for alternatives to specific work practices
2 when the health, safety, and welfare of all classes of asbestos
3 occupations and the general public are adequately protected.

4 (7) The department may apply for and receive funds from
5 the federal government and any other public or private entity for
6 the purposes of administering the act.

7 (8) The department shall adopt and promulgate rules and
8 regulations to establish continuing competency requirements for
9 persons certified under the act. Continuing education is
10 sufficient to meet continuing competency requirements. The
11 requirements may also include, but not be limited to, one or more
12 of the continuing competency activities listed in section 71-161.09
13 which a certified person may select as an alternative to continuing
14 education.

15 Sec. 100. Section 71-6310.02, Reissue Revised Statutes
16 of Nebraska, is amended to read:

17 71-6310.02. ~~(1)~~ Any person certified in any of the
18 asbestos occupations prescribed in section 71-6310, as a condition
19 for recertification certificate renewal, shall ~~successfully~~
20 ~~complete an annual review course approved by the department of not~~
21 ~~less than one day,~~ except that for inspectors the review course
22 ~~requirement shall be one-half day,~~ complete continuing competency
23 activities as required by the department pursuant to section
24 71-6303 and shall be examined and approved by a physician as
25 prescribed for initial applicants in section 71-6310. The
26 certificate holder shall submit evidence as required by the
27 department of satisfaction of the requirements of this ~~subsection~~
28 section.

1 ~~(2) Each review course shall be specific for each of the~~
2 ~~classes of occupations referred to in section 71-6310 and shall~~
3 ~~include a review and discussion of changes in federal and state~~
4 ~~regulations, new developments in asbestos procedures and techniques~~
5 ~~specific for that class, and a review of principal aspects of the~~
6 ~~initial training course. The written examination for each of the~~
7 ~~classes for recertification shall be approved and may be~~
8 ~~administered by the department and shall be composed of multiple~~
9 ~~choice questions covering subjects dealing with the review course.~~
10 ~~The passing score shall be determined by the department.~~

11 ~~(3) An applicant for approval of a review course shall~~
12 ~~submit an application for approval of such course on a form~~
13 ~~provided by the department together with the prescribed fee.~~

14 Sec. 101. Section 71-6321, Revised Statutes Supplement,
15 2001, is amended to read:

16 71-6321. (1) The department shall administer the
17 Residential Lead-Based Paint Professions Certification Act.

18 (2) The department shall adopt and promulgate rules and
19 regulations necessary to carry out such act. The department shall
20 adopt state standards governing abatement projects and may adopt or
21 incorporate part or all of any federal standards in such state
22 standards so long as state standards are no less stringent than
23 federal standards.

24 (3) The department shall prescribe fees based upon the
25 following schedule:

26 (a) For an annual firm certificate or certificate
27 renewal, not less than two hundred dollars or more than five
28 hundred dollars;

1 (b) For certification or recertification of a certified
2 abatement worker, not less than thirty-five dollars or more than
3 one hundred dollars;

4 (c) For certification or recertification of a certified
5 supervisor, not less than seventy dollars or more than two hundred
6 dollars;

7 (d) For certification or recertification of a certified
8 inspector, not less than seventy dollars or more than two hundred
9 dollars;

10 (e) For certification or recertification of a certified
11 risk assessor, not less than seventy dollars or more than two
12 hundred dollars;

13 (f) For certification or recertification of a certified
14 visual lead-hazard advisor, not less than thirty-five dollars or
15 more than one hundred dollars;

16 (g) For certification or recertification of a certified
17 project designer, not less than seventy dollars or more than two
18 hundred dollars;

19 (h) For accreditation of a training program, not less
20 than one thousand dollars or more than two thousand five hundred
21 dollars, which fee shall include one onsite inspection if such
22 inspection is required by the department;

23 (i) For accreditation of a review course or a course on
24 Nebraska law, rules, and regulations, not less than five hundred
25 dollars or more than one thousand dollars, which fee shall include
26 one onsite inspection if such inspection is required by the
27 department;

28 (j) For onsite inspections other than initial

1 inspections, not less than one hundred fifty dollars or more than
2 two hundred fifty dollars. Such fees shall not be assessed for
3 more than three onsite inspections per year during the period an
4 actual abatement project is in progress; and

5 (k) For a project review of each abatement project of a
6 certified firm, not less than two hundred dollars or more than five
7 hundred dollars.

8 Any applicant whose application is rejected shall be
9 allowed the return of the application fee, except that an
10 administrative charge of one hundred dollars for a firm certificate
11 and for accreditation of a training program shall be retained by
12 the department.

13 All fees shall be based on the costs of administering the
14 act. In addition to the fees prescribed in this section, the
15 department may charge and receive the actual costs for board, room,
16 and travel by employees in excess of three hundred dollars, which
17 costs shall not exceed the amounts allowable in sections 81-1174 to
18 81-1177. All fees collected by the department shall be remitted to
19 the State Treasurer for credit to the Department of Health and
20 Human Services Regulation and Licensure Cash Fund. Money credited
21 to the fund pursuant to this section shall be used by the
22 department for the purpose of administering the act.

23 (4) At least once a year during the continuation of an
24 abatement project the department shall conduct an onsite inspection
25 of each certified firm's procedures for performing abatement
26 projects.

27 (5) The department may enter into agreements or contracts
28 with public agencies to conduct any inspections required under the

1 act if such agencies have the appropriate certification or
2 accreditation as described in the act.

3 (6) The department shall adopt and promulgate rules and
4 regulations defining work practices for abatement projects, for the
5 certification of lead-based paint professions, for the
6 accreditation of training programs, for the accreditation of
7 training program providers, for the dissemination of prerenovation
8 information to homeowners and occupants, for the facilitation of
9 compliance with federal lead-based paint hazard control grant
10 programs, and for the implementation of lead-based paint compliance
11 monitoring and enforcement activities. The department may provide
12 for alternatives to specific work practices when the health,
13 safety, and welfare of all classes of lead-based paint professions
14 and the general public are adequately protected.

15 (7) The department may apply for and receive funds from
16 the federal government and any other public or private entity for
17 the purposes of administering the act. Any funds applied for,
18 received, or used by the department or any political subdivision
19 from the federal government or any public entity may be used only
20 to abate lead-based paint hazards and for the administration of
21 lead-based paint programs which address health and environmental
22 hazards caused by lead-based paint.

23 (8) The department shall adopt and promulgate rules and
24 regulations to establish continuing competency requirements for
25 persons certified under the act. Continuing education is
26 sufficient to meet continuing competency requirements. The
27 requirements may also include, but not be limited to, one or more
28 of the continuing competency activities listed in section 71-161.09

1 which a certified person may select as an alternative to continuing
2 education.

3 Sec. 102. Section 71-6327, Revised Statutes Supplement,
4 2000, is amended to read:

5 71-6327. Any individual certified in any of the
6 lead-based paint professions prescribed in the Residential
7 Lead-Based Paint Professions Certification Act, as a condition for
8 ~~recertification~~ certificate renewal, shall ~~successfully complete a~~
9 ~~review course approved by the department~~ complete continuing
10 competency activities as required by the department pursuant to
11 section 71-6321.

12 Sec. 103. Section 71-6725, Revised Statutes Supplement,
13 2000, is amended to read:

14 71-6725. (1) The minimum competencies for a medication
15 aide, a person licensed to operate a child care facility or a staff
16 member of a child care facility, or a staff member of a school
17 shall include (a) maintaining confidentiality, (b) complying with a
18 recipient's right to refuse to take medication, (c) maintaining
19 hygiene and current accepted standards for infection control, (d)
20 documenting accurately and completely, (e) providing medications
21 according to the five rights, (f) having the ability to understand
22 and follow instructions, (g) practicing safety in application of
23 medication procedures, (h) complying with limitations and
24 conditions under which a medication aide may provide medications,
25 and (i) having an awareness of abuse and neglect reporting
26 requirements and any other areas as shall be determined by rules or
27 regulations.

28 (2) The Department of Health and Human Services

1 Regulation and Licensure shall adopt and promulgate rules and
2 regulations setting minimum standards for competencies listed in
3 subsection (1) of this section and methods for competency
4 assessment of medication aides. The Department of Health and Human
5 Services shall adopt and promulgate rules and regulations setting
6 methods for competency assessment of the person licensed to operate
7 a child care facility or staff of child care facilities. The State
8 Department of Education shall adopt and promulgate rules and
9 regulations setting methods for competency assessment of the school
10 staff member.

11 (3) A medication aide (except one who is employed by a
12 nursing home, an intermediate care facility for the mentally
13 retarded, or an assisted-living facility), a person licensed to
14 operate a child care facility or a staff member of a child care
15 facility, or a staff member of a school shall not be required to
16 take a course. The medication aide shall be assessed to determine
17 that the medication aide has the competencies listed in subsection
18 (1) of this section.

19 (4) A medication aide providing services in an
20 ~~assisted-living facility as defined in section 71-406 shall be~~
21 ~~required to have successfully completed a twenty-hour course on the~~
22 ~~competencies listed in subsection (1) of this section and~~
23 ~~competency standards established through rules and regulations as~~
24 ~~provided for in subsection (2) of this section.~~ Competency
25 assessment shall include passing an examination developed and
26 administered by the Department of Health and Human Services
27 Regulation and Licensure. Criteria for establishing a passing
28 standard for the examination shall be established in rules and

1 ~~regulations.~~

2 ~~(5)~~ A medication aide providing services in an
3 assisted-living facility as defined in section 71-406, a nursing
4 home, or an intermediate care facility for the mentally retarded
5 shall be required to have completed a forty-hour course on the
6 competencies listed in subsection (1) of this section and
7 competency standards established through rules and regulations as
8 provided for in subsection (2) of this section, except that a
9 medication aide who has, prior to the operative date of this act,
10 completed a twenty-hour course and passed an examination developed
11 and administered by the Department of Health and Human Services
12 Regulation and Licensure may complete a second twenty-hour course
13 supplemental to the first twenty-hour course in lieu of completing
14 the forty-hour course. The department shall adopt and promulgate
15 rules and regulations regarding the procedures and criteria for
16 curriculum. Competency assessment shall include passing an
17 examination developed and administered by the department. Criteria
18 for establishing a passing standard for the examination shall be
19 established in rules and regulations. ~~Before providing services in~~
20 ~~a nursing home or an intermediate care facility for the mentally~~
21 ~~retarded,~~ a medication aide who has previously met the requirements
22 of subsection ~~(4)~~ of this section shall be required to complete an
23 additional twenty-hour course. This twenty-hour course, together
24 with the twenty-hour course set forth in subsection ~~(4)~~ of this
25 section shall be equivalent to the forty-hour course set forth in
26 this subsection.

27 (5) Medication aides providing services in nursing homes
28 or intermediate care facilities for the mentally retarded shall

1 also meet the requirements set forth in section 71-6039.

2 Sec. 104. Section 71-6734, Revised Statutes Supplement,
3 2000, is amended to read:

4 71-6734. The department shall set fees for registration
5 and renewal of registration as set forth in sections 71-6726 and
6 71-6728 in an amount not to exceed twenty dollars, for testing as
7 set forth in ~~subsections (4) and (5)~~ subsection (4) of section
8 71-6725 in an amount not to exceed twenty dollars, and for
9 competency assessment as set forth in subsection (3) of such
10 section when conducted by the department in an amount not to exceed
11 five dollars. The fees shall be used to carry out the purposes of
12 the Medication Aide Act. The fees received pursuant to the act
13 shall be remitted to the State Treasurer for credit to the
14 Department of Health and Human Services Regulation and Licensure
15 Cash Fund. The fees are nonrefundable. Such fund shall be used by
16 the department for the purpose of administering the act as provided
17 in this section.

18 Sec. 105. Section 81-649, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-649. Sections 81-642 to 81-650 shall not be deemed to
21 compel any individual to submit to any medical examination or
22 supervision by the department, any of its authorized
23 representatives, or an approved researcher. No person who seeks
24 information or obtains registry data pursuant to such sections or
25 sections 81-663 to 81-675 shall contact a patient on the registry
26 or such patient's family ~~without first obtaining the permission of~~
27 ~~a physician actively involved in the care of such patient unless~~
28 the registry has first obtained the permission of such patient or

1 patient's family. The registry shall coordinate its activities
2 with the person desiring such contact and may authorize the person
3 desiring such contact to perform these contacts under the direction
4 of the registry.

5 Sec. 106. Section 81-666, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 81-666. The department may approve an individual or
8 entity to be an approved researcher upon application and proof
9 satisfactory to the department that the applicant is a qualified
10 researcher, that the data will be used for bona fide scientific or
11 medical research for prevention, cure, or control of certain
12 diseases or injuries, and that the applicant will maintain the
13 confidentiality and security of data obtained. The application
14 shall contain, but not be limited to, the following information:

15 (1) The qualifications of the applicant and of the
16 principal investigator, if other than the applicant, including
17 education, experience, prior publications, and recommendations of
18 professional colleagues who have knowledge and experience of
19 scientific or medical research;

20 (2) The purpose of the research project, a summary of the
21 project, and the anticipated time of completion of such project;

22 (3) The location where the research project will be
23 conducted and the equipment, personnel, and other resources
24 available to the applicant to carry out the project;

25 (4) The identity of the individual or entity funding the
26 research project, a description of the availability of funds for
27 the research project, and any conditions on the receipt or
28 continuation of such funding;

1 (5) The specific data requested and a description of the
2 use to be made of such data and, if patient-identifying data is
3 requested, a substantiation of the need for access to such
4 patient-identifying data;

5 (6) A description of the measures to be taken to secure
6 the data and maintain the confidentiality of such data during the
7 research project, for disposal of the data upon completion of the
8 study, and to assure that the results of the study will not divulge
9 or make public information that will disclose the identity of any
10 individual patient;

11 (7) If contact with a patient or patient's family is
12 planned or expected, substantiation of the need for such contact
13 and a description of the method to be used to obtain permission
14 ~~from the patient's physician~~ such patient or patient's family for
15 such contact; and

16 (8) Such additional information as the department
17 determines to be necessary to assure that release of data to the
18 applicant is appropriate and will further the purpose of sections
19 81-663 to 81-675 or the laws governing the specific registry.

20 Sec. 107. Section 81-673, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 81-673. Nothing in sections 81-663 to 81-675 shall be
23 deemed to compel any individual to submit to any medical
24 examination or supervision by the department, any of its authorized
25 representatives, or an approved researcher. No person who seeks
26 information or obtains registry data pursuant to such sections
27 shall contact a patient on the registry or such patient's family
28 ~~without first obtaining the permission of a physician actively~~

1 involved in the care of such patient unless the registry has first
2 obtained the permission of such patient or patient's family. The
3 registry shall coordinate its activities with the person desiring
4 such contact and may authorize the person desiring such contact to
5 perform these contacts under the direction of the registry.

6 Sec. 108. Section 81-6,105, Revised Statutes Supplement,
7 2001, is amended to read:

8 81-6,105. Nothing in the Parkinson's Disease Registry
9 Act shall be deemed to compel any individual to submit to any
10 medical examination or supervision by the department, any of its
11 authorized representatives, or an approved researcher. No person
12 who seeks information or obtains registry data pursuant to the act
13 shall contact a patient on the registry or such patient's family
14 ~~without first obtaining the permission of a physician actively~~
15 ~~involved in the care of such patient unless the registry has first~~
16 ~~obtained the permission of such patient or patient's family. The~~
17 ~~registry shall coordinate its activities with the person desiring~~
18 ~~such contact and may authorize the person desiring such contact to~~
19 ~~perform these contacts under the direction of the registry.~~

20 Sec. 109. This act becomes operative on January 1, 2003.

21 Sec. 110. Original sections 46-1222, 46-1225,
22 46-1235.02, 71-149, 71-161.05, 71-1,155, 71-1,162, 71-1,193,
23 71-1,195.01, 71-1,206.31, 71-1,228, 71-1,280, 71-1,292, 71-1,294,
24 71-1,315, 71-1,321, 71-1,326, 71-1,330, 71-397, 71-3,107, 71-3,108,
25 71-3,112, 71-3,115, 71-3,117, 71-1326, 71-1354, 71-1757, 71-1779,
26 71-1782, 71-1788, 71-3503, 71-3508.03, 71-3517, 71-3709, 71-4301,
27 71-4302, 71-4305, 71-4702.01, 71-4711, 71-4716, 71-6302, 71-6303,
28 71-6310.02, 81-649, 81-666, and 81-673, Reissue Revised Statutes of

1 Nebraska, sections 71-131, 71-139, 71-161.09, 71-174.01, 71-175.01,
2 71-179.01, 71-185, 71-1,107.25, 71-1,132.11, 71-1,132.20,
3 71-1,144.01, 71-1,165, 71-1,234, 71-341, 71-377, 71-382, 71-3,179,
4 71-3,196, 71-3,197, 71-3,198, 71-3,202, 71-3,205, 71-3,206,
5 71-1718.02, 71-1722, 71-1724 to 71-1724.02, 71-1730, 71-1735,
6 71-1755, 71-3507, 71-3515.01, 71-3515.02, 71-3710, 71-5179,
7 71-5206.01, 71-6053, 71-6054, 71-6060, 71-6067, 71-6327, 71-6725,
8 and 71-6734, Revised Statutes Supplement, 2000, and sections
9 71-101, 71-110 to 71-112, 71-161.10, 71-1,136.01, 71-2802, 71-2815,
10 71-2823, 71-3519, 71-5178, 71-5308, 71-6103, 71-6113, 71-6115,
11 71-6321, and 81-6,105, Revised Statutes Supplement, 2001, are
12 repealed.

13 Sec. 111. The following sections are outright repealed:
14 Sections 71-1,144.03, 71-3,109 to 71-3,111, 71-3,113, 71-3,114,
15 71-3,116, 71-3,118, 71-1347, and 71-1349 to 71-1353, Reissue
16 Revised Statutes of Nebraska, sections 71-1,144.04, 71-3,199 to
17 71-3,201, 71-3,203, 71-3,204, and 71-3,207, Revised Statutes
18 Supplement, 2000, and section 71-1,144.05, Revised Statutes
19 Supplement, 2001.